United States Court of Appeals

for the Second Circuit

APPENDIX

No. 74-2176

B
P/S

United States Court of Appeals

FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

LOCAL UNION NO. 305, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INUDSTRY OF THE UNITED STATES AND CANADA,

Respondent.

On Application for Enforcement of an Order of the National Labor Relations Board

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APPENDIX

ELLIOTT MOORE,
Deputy Associate General Counsel,
National Labor Relations Board,
Washington, D.C. 20570

UNITED STATES COURT OF APPEALS
FILED
APR 3 1975
SECOND CIRCUIT

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APPENDIX

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES
WASHINGTON, D. C.

LOCAL UNION NO. 305, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA (Mechanical Contractors Association of Connecticut, Inc., acting through its Agent, Eastern Connecticut Mechanical Contractors Association)	
and	Case No. 1-CB-2385
ANTHONY DiMELLA	
and	Case No. 1-CB-2389
VICTOR J. BARTOLUCCI	
Robert C. Rosemere, Esq., Boston, Mass., for the General Counsel.	
Norman Zolot, Esq., Hamden, Conn., for Respondent.	

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

In the Matter of: Local Union No. 305, etc.

Case Nos. 1-CB-2385
1-CB-2389

8. 7.73 Charge filed in Case No. 1-CB-2385.

8.13.73 Charge filed in Case No. 1-CB-2389

9. 28. 73	Order consolidating cases, complaint and notice of hearing, dated.
10. 9. 73	Respondent's Answer, dated.
11. 1. 73	Notice of postponement of hearing, dated.
12. 3. 73	Hearing opened.
12. 5. 73	Hearing closed.
2. 25. 73	Administrative Law Judge's Decision issued.
4. 3. 73	Respondent's Exceptions to the Administrative Law Judge's Decision, received.
6. 21. 74	Board's Decision and Order, dated.

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[1]

[6/21/74]

[D--8834
New London,
Conn.]

* * * * *

DECISION AND ORDER

On February 25, 1974, Administrative Law Judge Joseph I. Nachman issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the attached Decision in light of the exceptions and brief and has decided to

affirm the rulings, findings,[1] and conclusions of the Administrative

[2]

Law Judge and to adopt his recommended Order.[2]

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, Local Union No. 305, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, New London, Connecticut, its officers, agents, and representatives, shall take the action set forth in said recommended Order.

Dated, Washington, D. C., June 21, 1974.

Edward B. Miller, Chairman

John H. Fanning, Member

John A. Penello, Member

NATIONAL LABOR RELATIONS BOARD

(SEAL)

1/ The Respondent has excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an Administrative Law Judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. Standard Dry Wall Products, Inc., 91 NLRB 544, enfd. 188 F. 2d 362 (C. A. 3). We have carefully examined the record and find no basis for reversing his findings.

2/ In the absence of exceptions we adopt, pro forma, the Administrative Law Judge's dismissal of the complaint's allegation of an independent 8(b)(1)(A) violation regarding the operation of the referral and dispatching system.

[3]

APPENDIX

NOTICE TO MEMBERS

Posted by Order of the
National Labor Relations Board
An Agency of the United States Government

After a trial in which both sides had the opportunity to present their evidence, the National Labor Relations Board has found that we violated the National Labor Relations Act and ordered us to post this notice and abide by its terms.

WE WILL NOT restrain or coerce any applicant for employment pursuant to the exclusive hiring hall we operate, by refusing to refer them to jobs for reasons that include lack of membership in Local 305.

WE WILL NOT in any other manner restrain or coerce any employee or applicant for employment through the exclusive hiring hall we operate, in the exercise of rights guaranteed them by Section 7 of the Act.

WE WILL make whole Victor Bartolucci and Anthony DiMella for any loss of pay they suffered by reason of our refusal to refer them to jobs because they lacked membership in Local 305.

WE WILL, upon request, make available to the Board or its authorized agents, at all reasonable times, all records relating in any way to the hiring and referral system.

LOCAL 305, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA

(Labor Organization)

Dated _____ By _____
(Representative) (Title)

This is an official notice and must not be defaced by anyone.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material.

Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office, Seventh Floor, Bulfinch Building, 15 New Chardon Street, Boston, Massachusetts 02114, Telephone 617--223--3300.

* * * * *

DECISION

Statement of the Case

JOSEPH I. NACHMAN, Administrative Law Judge: This proceeding tried before me at New London, Connecticut on December 3-5,[1] with all parties present or represented by Counsel, involves a consolidated complaint[2] pursuant to Section 10(b) of the National Labor Relations Act (herein the Act,) which alleges in substance that Local 305 United Association of Journeymen

and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (herein Respondent, the Union or Local 305), in the operation of a contractual exclusive hiring hall provision (conceded to be valid on its face), discriminated against, Anthony DiMella and Victor J. Bartolucci in the matter of referral to jobs, because of their lack of union membership, thereby violating Section 8(b)(1)(A) of the Act.[3] By Answer Respondent admitted certain allegations of the Complaint, but denied the commission of any unfair labor practice. It admits that for the major part of 1973 it refused to refer DiMella and Bartolucci to jobs, but claims that such refusal was based solely and only on the fact that they were not "qualified journeymen" within the meaning of the contractual provision that the

---

1/ This and all dates hereafter mentioned are 1973 unless otherwise indicated.

2/ Issued November 28, upon charges filed by DiMella and Bartolucci, on August 7 and August 13, respectively.

3/ No violation of Section 8(b)(2) of the Act is alleged.

Union would refer such persons to the contractors. The issue thus presented for decision is what was Respondent's "true purpose," or "real motive" in denying referral to DiMella and Bartolucci? For reasons more fully herein after set forth I find and conclude that such lack of referrals was the absence of Union status of the individuals mentioned, and that by such refusal to refer, Respondent coerced and restrained employees in the exercise of rights guaranteed them by Section 7 of the Act, thereby violating Section 8(b)(1)(A) of the Act.

At the trial all parties were afforded full opportunity to present relevant and material evidence, to examine and cross-examine witnesses, to argue orally on the record, and to submit briefs. Oral argument was waived. Briefs submitted by the General Counsel and Respondent, respectively, have been duly considered. Upon the entire record in the case, including the pleadings, stipulations of counsel, the evidence, including my observation of the demeanor of the witnesses while testifying, I make the following:

Findings of Fact[4/]

Background

For some years Respondent has been the recognized collective-bargaining representative of the plumbers, steamfitters and welders employed by employers in the building and construction industry, in the general environs of New London, Connecticut. A contract between Mechanical Contractors Association of Connecticut, Inc., and Respondent Union, renewed from time to time, provided the

---

4/ No issue of commerce or labor organization is presented. The complaint alleges and the answer admits facts which establish the jurisdictional elements referred to. I find those facts to be as pleaded.

terms and conditions of employment of the aforesaid employees.

[3]

The latest such contract mentioned in the evidence, in effect from October 28, 1972 through October 27, 1973, and thereafter from year to year unless terminated by notice, provides for an exclusive hiring hall to be operated by the Union. 5/

Article XVI of the contract between the parties contains the hiring hall provisions. It provides in substance that contractors will employ only qualified journeymen, and a journeyman is defined as one who had had at least 5 years actual practical experience in the trade, and has either (1) successfully completed an approved apprenticeship program; (2) has previously worked as a journeyman for a signatory contractor, and whose services have proved satisfactory; or (3) has successfully passed a competency test, any question as to what constitutes a competency test to be resolved by a Joint Hiring Committee provided for in the agreement. The contract additionally provides that contractors will call the Union for all journeymen they require; that the Union will establish and maintain appropriate registration facilities where applicants may register the time and date of registration, by crafts; that the Union will refer from that list on a nondiscriminatory basis, without regard to union membership, or the lack thereof; that all referrals may be rejected by the employer; that the Union and the contractor will post in places where notices to all employees and applicants for employment are customarily posted, a notice containing all provisions relating to the operation of the hiring hall under the contract; that a Joint Hiring Committee, composed of an equal number of representatives from the Union and

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5/ How long this hiring hall has been in operation, the record does not show. It does appear that it was in operation at least as far back as the contract for the 1966-69 period.

the contractors shall be established which will supervise and control the operation of the job referral system, and settle all questions that may arise in the administration of the system.

Employment history of Anthony DiMella

Prior to 1969, DiMella worked for about 12 years at Electric Board Division of General Dynamics. During this period he worked in the pipe shop, where he did mostly rigging, moving components aboard the ship, testing and connecting them, performed such work under the supervision of a pipefitter who was in charge of a group of men and had the responsibility for what was done. In mid or late summer of 1969, DiMella contacted Anthony Polcaro, the general foreman for Ebasco on the Millstone I project, and a vice-president of Respondent Union, seeking work on that job. Polcaro questioned DiMella regarding his knowledge of pipe and pipefitting, and then told the latter that his employment had to be cleared through the business agent, which he would do, and would call DiMella in a few days. Several days later Polcaro called DiMella and stated that the latter's employment had been cleared with the business agent, and that

[4]

he should report to the rigging foreman on the job the following day. DiMella did, and worked for that foreman for about a year when that kind of work was phased out, and he was transferred to the turbine building. There DiMella was teamed up with a welder to run vacumn lines. According to the uncontradicted testimony of DiMella, he cut pipe to length, put it at proper elevation, making provision for hangers, put the joints together either by screwing them on, by socket weldings, or holding it for the welder. This job terminated for DiMella sometime in October 1970, for lack of work, and DiMella again went to Polcaro for a work assignment. Polcaro told DiMella to lay off for a few weeks and then see Impellitteri, business agent of Respondent. When

DiMella called Impellitteri, the latter stated that he had "bookmen" out of work, but that he would take care of it. In about 2 weeks, after another telephone call from DiMella, Impellitteri assigned DiMella to contractor W. J. Barney who was building a plant for the Pfizer Company, where DiMella was paired with a welder, the pair running 8-inch cast iron pipe with a 6-inch return. DiMella and his welder cut the pipe to proper length, beveled the flanges, and the two ends were welded by the welder; the pipe being placed into position on permanent hangers and bolted on. DiMella testified without contradiction that he was the pipefitter on the job, and directed the work from the plans. This job to which DiMella was referred in November 1970, ended for him in October 1971, when he was laid off for lack of work.

After being laid off the last mentioned job in October 1971, DiMella again communicated with Impellitteri for work and was told that things did not look good; that he had a lot of "bookmen" out of work, but that DiMella should "hang on" and he would be taken care of. About 2 weeks later Impellitteri telephoned DiMella and dispatched him to Bechtel Company, the contractor on the Millstone II job, where Polcaro was the general foreman. There DiMella was assigned to a pipefitting gang of 8 to 12 men which prepared pipe which varied in size from 1 to 8 inches, for the welders, and made hangers. This job lasted until March 1972, when he was laid off for lack of work.

With the end of that job DiMella again called Impellitteri to report the fact that he was out of a job and wanted work. According to DiMella whose testimony I credit, Impellitteri then stated that work was very slow; that a lot of "bookmen" were out of work and they come first, but "I will take care of you." Thereafter, DiMella called Impellitteri periodically, but each time received basically

the same answer. Finally in late August, DiMella called Polcaro informing the latter of his talks with Impellitteri, and asked if the latter could assist him in getting work. Polcaro stated that he had not been working himself, but that he was going back to work the following day on the Montville power home job, and would see what he could do. Sometime in September, DiMella received a call from one Delaporta, a union steward on the Montville job, who stated that there would be need for a substantial number of men on the Millstone I Ebasco job the following day, and that DiMella should call Impellitteri and get

[5]

a referral. DiMella did so and was told that he had intended to refer DiMella to the Montville job the following Monday, and did not want to refer him to Ebasco job. When DiMella protested that Delaporta had told him to call, Impellitteri changed his mind and told the former to report to union steward Preolla at the Ebasco job immediately. DiMella did as directed and worked on Ebasco job continuously until January 5, 1973, when he was laid off for lack of work. While on the Ebasco job DiMella was paired with a welder and worked in the installation of a radiation waste line where pipe varying from 4 to 8 inches was used.

Following his layoff at the Ebasco job DiMella, as he had in the past, called Impellitteri asking for work, repeating such calls each week for about a month. Each time Impellitteri told DiMella that at the time things did not look good; that he had "bookmen" out of work, and that they came first; that half the state was on his back for work; but not to worry, that he would be taken care of. [6/]

[6/] After about February 1, DiMella went to the Union accompanied by Bartolucci, the other discriminatee in this case. Those joint visits will be detailed after setting out Bartolucci's work record.

Sometime in April, Impellitteri called DiMella and told the latter to call Assistant Business Agent Quinn, that he needed some gas fitters and that DiMella might get a referral to such a job. DiMella did so and was assigned to a gas fitter's job which lasted until the end of June. 7/

Employment history of Victor Bartolucci

About August 1969, Bartolucci, who had known Impellitteri for some time, telephoned the latter and asked about the possibility of a referral to a job. Impellitteri replied that a night crew was being started at the Millstone job, and that if he wanted the job he should report to union steward Delaporta at the main gate at 3:45 that afternoon and the latter would take care of the matter. Bartolucci reported as directed, and was assigned to "bull gang," doing rigging, some pipefitting, grinding, beveling, or any other job assigned to him by the foreman. When he was terminated for lack of work in about February 1970, Bartolucci went to the Union hall and reported the

[6]

fact to Impellitteri. About 3 or 4 weeks later Bartolucci was referred to a contractor on the Montville Power House job, and approximately

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7/ My findings in this section are based on the credited testimony of DiMella. Testifying as a witness for Respondent, Impellitteri denied that he ever told DiMella or Bartolucci that there "bookmen" out of work and claimed that he always used the words "qualified men". He admitted, however, that in the language of the Union the terms "bookmen" and "qualified men" mean the same things, that "qualified" people came first, and that so long as there were "qualified" people out of work, neither DiMella nor Bartolucci was entitled to referral. He also admitted that he told DiMella and Bartolucci that there were other fully qualified people he had to put to work first. To the extent that there is a conflict between the testimony of Impellitteri on the one hand and DiMella and Bartolucci on the other, I credit the latter.

a month later was transferred to another contractor on the same job. On this job Bartolucci was hired and worked as a pipefitter, doing some pipefitting as well as rigging, hanging pipe, grinding, and also worked some on condensers and valves. This job ended for Bartolucci in October 1970, when he was terminated for lack of work. Following this job Bartolucci was referred by Impellitteri about mid-December 1970, to the Millstone Unit I job, where he reported to Polcaro, and did essentially the same type of work until his termination in late January 1971, for lack of work. In February or March 1971, Impellitteri referred Bartolucci to a shopping center job where, as one of a crew of three pipefitters from Local 305, he installed tubing outside the air conditioning components. When this job was completed about mid-May 1971, Bartolucci was terminated. Following this Bartolucci again talked with Impellitteri about work; the latter saying that things were slow and it would take a while because "bookmen" were out of work and had to be placed. In August 1971, Impellitteri sent Bartolucci to the Montville Power job, Unit I, to work for Champion Construction Company, telling him at the time that it would be a short job. It in fact lasted about 12 days and Bartolucci was promptly transferred to the Bechtel Unit No. 2, being terminated in March 1972, for lack of work. At both jobs he did essentially the same type of work, namely pipefitting. After again reporting to Impellitteri that he was now out of work, the latter referred Bartolucci to the submarine base where he worked until the end of May 1972, doing the same type of work as at the other jobs, and was then terminated for lack of work. Although Bartolucci frequently made known his availability for work, it was not until September 1972, that Impellitteri again referred him to a job. This referral was to Ebasco for repair work at Unit I Millstone Point. Here Bartolucci worked as a pipefitter until terminated for lack of work on January 5, 1973.

After January 5, and for a period of 6 weeks to 2 months, Bartolucci spoke with Impellitteri a number of times, both at his office and on the street when they chanced to meet, about his desire for work. On each occasion the latter stated in substance that things were very slow, with "bookmen" both locally and throughout the State out of work; that he was getting calls from other business agents asking that he put their "bookmen" to work; but that as soon as the situation was such that he could put permit men to work, Bartolucci

[7]

would be referred promptly.[8] Following these meetings Bartolucci and DiMella made it a practice to go to the Union hall together. Between about March 1 and about mid to late August, they made a number of visits to the Union hall[9] seeking referrals, but they were unsuccessfully.[10] Although Impellitteri was not always present when the two men visited the Union hall, on those occasions that he was present, he repeated, as above indicated, that things were slow; that "bookmen" whom he had to place first, were out of work; and that other business agents were putting pressure on him to provide jobs for their out of work "bookmen," and that "bookmen" were entitled to performance in employment to those who worked under permits from the Union. It may be noted that up to this point Impellitteri had not mentioned to either Bartolucci

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8/ The findings in this section are based on the credited testimony of Bartolucci. As set forth in footnote 7, supra, Impellitteri gave contrary testimony, but I do not credit it.

9/ Bartolucci and DiMella testified that such visits were about once a week. Both Impellitteri and Assistant Business Agent Quinn testified that such visits were not that frequent. I find the conflict irrelevant.

10/ The only job referral Bartolucci got in 1972, which was to a gas pipe installation job in Bridgeport, which was almost concluded when Bartolucci arrived. For him, the job lasted about a week.

or DiMella that they lacked the necessary qualification for referral to a job. On the contrary, the evidence shows that Impellitteri told both men that they were good workers, and Impellitteri admits that he never received a complaint regarding their competence.

[8]

Early in August Bartolucci and DiMella first learned that the Union maintained a so-called "out of work" list which the Union was supposed to use on a first registered, first referred basis in assigning people to work. Being unaware of the existence of such a list, neither Bartolucci nor DiMella had ever signed the same. 11/ On or about August 5, 1973, Bartolucci and DiMella went to the union hall. Impellitteri being out, they spoke with assistant business agent Quinn, and after being informed that no work was available, they asked Quinn if they might sign the "out-of-work" list. Quinn extracted a paper from his desk drawer containing a list of names, and both Bartolucci and DiMella signed it. On G. C. Exh. 4, there is a line drawn through each name. Neither could give any evidence as to when or by whom the line was drawn. 12/

Additionally the evidence shows that sometime in early August 1973, both Bartolucci and DiMella filed with Impellitteri their separate applications for membership in the Local, which set forth their experience which they felt would qualify them for membership under

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11/ The list referred to is in evidence as G. C. Exh. 4.

12/ Impellitteri testified that he came into the office just as Bartolucci and DiMella were leaving and when they left asked Quinn what the two men wanted; that Quinn replied that they wanted to sign the "out-of-work" list, and he permitted them to do so; that he then told Quinn that the men were not entitled to sign the list because they did not possess the necessary qualifications, and that he then drew the line through the two names. Quinn corroborates this. I do not credit Impellitteri regarding his motive or purpose in striking these names from the list.

the rules of the Local.[13] Impellitteri examined these applications and told Bartolucci and DiMella that their applications did not show the required 5 years experience in the trade. Bartolucci and DiMella argued to the contrary. Finally, Impellitteri told the two men that he would not process their applications along with the group to be admitted by the International, but would submit them to a meeting of the membership. When he did so, a great deal of confusion developed and the applications were never acted on by the body.

[9]

Contentions and Conclusions

It is certainly true that if, as Respondent contends, that under the contract it was required to refer only those men who possessed certain qualifications, and that its real motive or true purpose for refusing to refer Bartolucci and DiMella to jobs was that they did not possess the necessary qualifications, no violation of the Act could be found. On the other hand, if the alleged lack of qualification was in fact a pretext and the true purpose or real motive for the refusal to refer Bartolucci and DiMella was their lack of union membership, a clear violation of Section 8(b)(1)(A) of the Act resulted. Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 576, 201 NLRB No. 132.[14] The issue, therefore, is what was Impellitteri's

[13] At the time the Local was under a directive from the International to admit into membership any applicant who could show 5 years experience in the trade. The Local apparently was not complying with this directive, and the International then sent a representative in to obligate those applicants into membership. This was done in late August, and seems to have left some ill-will among the older members who seem to have felt that the 93 people obligated at the time should not have been forced upon them by the International.

[14] The Board's decision in the cited case was enforced by the Court of Appeals for the Tenth Circuit (No. 73-1275), but the Court directed that its opinion not be published.

real motive or true purpose when he denied referral to Bartolucci and DiMella. Upon careful consideration of the entire record I am convinced, and therefore find and conclude that his true purpose for refusing to refer the two men to jobs, was their lack of membership in the Union, and that their alleged lack of qualification was seized upon in this case to obscure the true purpose of that conduct. 15/ I reach this conclusion upon the totality of the following considerations:

1. That over an approximately 4 year period Impellitteri referred Bartolucci and DiMella to jobs notwithstanding his knowledge of their alleged lack of qualification.

2. In the numerous conversations Impellitteri had with Bartolucci and DiMella he never once made reference to their alleged lack of qualification for the work.

3. Impellitteri's statements to Bartolucci and DiMella that he had "book men" out of work who came first, that other business agents were "on his back" to get work for "book men", and that as soon as he satisfied those people who had first claim on him, he would take care of Bartolucci and DiMella. These statements, by a responsible union official, make it clear that at least so far as Bartolucci and DiMella were concerned, union membership was since January 5, 1953,

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15/ Considerable evidence was introduced by the General Counsel to establish the qualifications of Bartolucci and DiMella, and by Respondent to establish that they lacked the necessary qualifications, but I find it unnecessary to make any findings on that issue. Suffice it to say that the evidence shows that both men were referred to a number of jobs during the roughly 4 years they worked, and they apparently discharged their duties to the satisfaction of the several employers involved. Impellitteri admitted that both men were reliable workmen, and that he never received a complaint from any employer regarding the manner in which they performed their duties.

a condition precedent to referral to a job through the Union's hiring hall. I so find and conclude. 16/

16/ The complaint alleges, and the General Counsel contended at the trial and argues in his brief, that Respondent independently violated Section 8(b)(1)(A) by (1) failing and refusing to maintain adequate records of registration and dispatching of applicants for employment referral; and (2) failing and refusing to form and/or maintain a Joint Hiring Committee, as provided for in the contract, to protect the rights of applicants or registrants for employment referral. At the conclusion of the trial I asked the General Counsel to provide me with authority to support his contention that factors (1) and (2) above, constitute independent violations of Section 8(b)(1)(A). The only authority counsel provided is a decision by Judge Goldberg, issued July 31, 1973, in Local Union 99, International Brotherhood of Electrical Workers, AFL-CIO (Crawford Electric Construction Co.), JD-467-73, 1-CB-2070, still pending before the Board on exceptions. I do not regard that decision as authority here. Judge Goldberg did not hold and so far as I can find the Board has never held that a union's failure to keep proper records of registerants and referrals under an exclusive referral system, or the failure to cooperate in the Joint Hiring Committee, as provided in the contract, constituted independent violations of Section 8(b)(1)(A). All he did was to provide, as a remedy for the violations there found, that the Union in that case be required to maintain certain records in connection with the operation of its referral system. This is the course followed by the Board in Ironworkers Local Union No. 290, International Association of Bridge Structural and Ornamental Iron Workers, AFL-CIO, (Mid-States Steel Erection Company), 184 NLRB No. 21. On the other hand, in Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 516, (Westfield Thriftway Supermarket), supra, although the Board found a violation of Section 8(b)(1)(A) based on a refusal to refer, and deemed it necessary to write its own order, it did not order that union to keep records of the operation of the hiring hall and make them available to the Regional Director upon request. Perhaps the explanation is that the decision in the last mentioned case does not indicate that the Union's records were in fact inadequate. Here the evidence shows that the records were plainly inadequate. In view of Quinn's testimony that a great number of men called at the

[10]

Upon the foregoing findings of fact, I state the following:

Conclusions of Law

1. The Union is a labor organization within the meaning of Section 2(5) of the Act.

[11]

2. By refusing, in the operation of its exclusive hiring hall arrangement, to refer Bartolucci and DiMella to jobs because they lacked membership in the Union, which lack of membership did not exist because of their failure to tender periodic dues and initiation fees uniformly required as a condition of acquiring or maintaining membership in the Union, Respondent restrained and coerced Bartolucci and DiMella in the exercise of rights guaranteed by Section 7 of the Act, and thereby engaged in, and is engaging in unfair labor practices proscribed by Section 8(b)(1)(A) of the Act.

3. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act.

16/ (Concluded) union hall each week seeking work, the referral list in evidence is deficient as to who registered. Moreover, the list does not show when a man was referred.

All Section 8(b)(1)(A) requires is that union refrain from coercing and restraining employees in the exercise of their Section 7 rights. I find and conclude that although the failure to keep proper records and the failure to participate in the Joint Hiring Committee may in a proper case be evidence that the hiring hall was operated in a discriminatory fashion, those facts do not standing alone constitute the restraint and coercion which is proscribed by Section 8(b)(1)(A) of the Act. I shall therefore recommend that paragraph 6(b) and (c) of the complaint, be dismissed. However, under the circumstances I shall include a provision requiring the Union to keep proper records of the operations of its hiring hall, as the Board did in Ironworkers Local 290, supra.

The Remedy

Having found that Respondent engaged in, and is engaging in, unfair labor practices proscribed by Section 8(b)(1)(A) of the Act, it will be recommended that it be required to cease and desist therefrom, and to take certain affirmative action designed and found necessary to effectuate the policies of the Act.

Having found that Respondent restrained and coerced Bartolucci and DiMella in the exercise of their Section 7 rights by refusing, in the operation of its exclusive hiring hall, to refer them to employment because of their lack of membership in the Union, it will be recommended that Respondent make each of them whole for any loss of pay they suffered, respectively, by reason of Respondent's aforesaid conduct, less their respective net earnings, during the applicable period, with interest at the rate of 6 percent per annum, all in accordance with the Board's formula set forth in F. W. Woolworth Company, 90 NLRB 289, and Isis Plumbing & Heating Co., 138 NLRB 716. The basis for the computation of such backpay not being disclosed by this record, that matter is left to the compliance stage of this proceeding. Additionally, the violations above found, being of a character which go to the very heart of the Act, I shall recommend that Respondent be required to cease and desist from in any manner restraining or coercing employees in the exercise of rights guaranteed by Section 7 of the Act. N. L. R. B. v. Entwistle Mfg. Co., 120 F. 2d 532 (C. A. 4); California Lingerie Inc., 129 NLRB 912, 915.

[12]

Upon the foregoing findings of fact, conclusions of law, and the entire record in the case, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:[17/]

17/ In the event no exceptions are filed as provided by Section 102.46 of the Rules and Regulations of the National Labor

ORDER

Respondent, Local Union No. 305, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Failing or refusing, in the operation of its exclusive hiring hall, to refer Victor Bartolucci or Anthony DiMella for employment for reasons that include their lack of membership in Local Union No. 305.

(b) In any other manner restraining or coercing employees, or applicants for employment in the exercise of rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action designed and found necessary to effectuate the policies of the Act:

(a) Make whole Victor Bartolucci and Anthony DiMella for any loss of pay they suffered, respectively, in the manner set forth in the section hereof entitled "The Remedy."

(b) Preserve and, upon request, make available to the Board or its authorized agents for examination and copying, all records, reports, work lists, referral documents, and any other records and documents as may be in its possession, custody or control, which are necessary, useful or appropriate in determining compliance with this Order, or in computing the amount of backpay due under its terms.

17/ (Continued) Relations Board, the findings, conclusions and recommended Order herein shall, as provided in Section 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

(c) Maintain permanent written records of its hiring and referral operations which will be adequate to disclose fully the basis upon which referrals are made and, upon request of the Board or its authorized agents, make available for inspection, at reasonable times, all records relating in any way to the hiring and referral system.

[13]

(d) Post at its business office, hiring hall and meeting rooms, copies of the notice attached marked "Appendix."[18] Copies of said notice, on forms provided by the Board's Regional Director for Region 1, (Boston, Massachusetts), after being duly signed by a duly authorized representative, shall be posted by Respondent immediately upon receipt thereof, and be maintained by it for sixty (60) consecutive days thereafter in conspicuous places, including all places where notices to job applicants are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced or covered by any other material.

(e) Sign and mail a sufficient number of copies of said notice to the aforesaid Regional Director for posting by employers who are bound by the collective bargaining agreement creating the exclusive hiring hall agreement administered by Respondent, said employers being willing, in places where they customarily post notices to their employees.

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[18] In the event that the Board's Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD" shall be changed to read "POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD."

IT IS FURTHER ORDERED that paragraphs 6(b) and 6(c) of the Complaint herein be, and they are hereby dismissed in their entirety.

Dated at Washington, D. C., February 25, 1974.

/s/ Joseph I. Nachman
Joseph I. Nachman
Administrative Law Judge

APPENDIX

NOTICE TO MEMBERS

Posted by Order of the
National Labor Relations Board
An Agency of the United States Government

AFTER A TRIAL IN WHICH BOTH SIDES HAD THE OPPORTUNITY TO PRESENT THEIR EVIDENCE, THE NATIONAL LABOR RELATIONS BOARD HAS FOUND THAT WE VIOLATED THE NATIONAL LABOR RELATIONS ACT AND ORDERED US TO POST THIS NOTICE AND ABIDE BY ITS TERMS.

WE WILL NOT restrain or coerce any applicant for employment pursuant to the exclusive hiring hall we operate, by refusing to refer them to jobs for reasons that include lack of membership in LOCAL 305.

WE WILL NOT in any other manner restrain or coerce any employee or applicant for employment through the exclusive hiring hall we operate, in the exercise of rights guaranteed them by Section 7 of the Act.

WE WILL make whole VICTOR BARTOLUCCI AND ANTHONY DIMELLO for any loss of pay they suffered by reason of our refusal to refer them to jobs because they lacked membership in LOCAL 305.

WE WILL maintain permanent written records of our hiring and referral operations which will be adequate to disclose fully the basis upon which each referral is made and, upon request we will make available to the Board or its authorized agents, at all reasonable

times, all records relating in any way to the hiring and referral system.

LOCAL 305, UNITED ASSOCIATION
OF JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND PIPEFITTING
OF THE U.S. AND CANADA
(Labor Organization)

Dated _____ By _____
(Representative) (Title)

THIS IS AN OFFICIAL NOTICE
AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office, 7th Floor - Bulfinch Building, 15 Chardon St., Boston, Mass. 02114 Tel. No. (617) 223-3300.

[1]

* * * * *

EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S DECISION

The respondent takes exception to the following matters appearing in the Administrative Law Judge's decisions for the reasons stated in the accompanying memorandum:

1. The conclusions set forth on page 2, lines 15-20 that the lack of union membership was the basis for refusal to refer complaints.

2. Crediting fully the complainants testimony whenever in conflict with that of the respondents' business agent without basis, as shown on page 4. line 39, footnote 7, 8, 12.

3. Finding that DiMella was "assigned" by Impelliterri on page 4, line 15, that DiMella "protested," on page 5, line 3, that Impelliterri called DiMella on page 5, line 17, without any evidence.

[2]

4. In reaching the conclusions set forth on pages 9-10 when the competent evidence fails to support them.

5. In the finding that Respondent failed to establish that complainants lack the necessary qualifications for referral and that a finding on their qualifications was not necessary as set forth in footnote 15.

6. In concluding that the remedy requires that a blanket order be entered requiring Respondent to cease and desist from in any manner restraining or coercing employees when the evidence fails to provide any basis for such remedy, specifically paragraph 1(a).

7. In fashioning the back pay determination.

8. In Imposing by way of remedy a record keeping function upon Respondent under paragraphs 2(b) and 2(c) of the order.

Respectfully submitted,

/s/ Norman Zolot
Norman Zolot
Attorney for Respondent

* * * * *

EXCERPTS FROM TRANSCRIPT OF PROCEEDINGS

1 BEFORE THE NATIONAL LABOR RELATIONS BOARD

FIRST REGION

In the Matter of:	
LOCAL UNION NO. 305, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA (Mechanical Contractors Association of Connecticut, Inc., acting through its agent, Eastern Connecticut Mechanical Contractor Association.)	
Respondent	
and	Case Nos.
ANTHONY DiMELLA,	1-CB-2385
An Individual,	and
and	1-CB-2389
VICTOR J. BARTOLUCCI,	
An Individual	

The Council Chamber,
City Hall,
181 State Street,
New London, Connecticut,
Monday, December 3, 1973.

The above-entitled matter came on for hearing, pursuant to Notice, at 11:00 a.m.

BEFORE:

HONORABLE JOSEPH I. NACHMAN, Administrative Law Judge.

APPEARANCES:

ROBERT C. ROSEMERE, ESQ.,
National Labor Relations Board,
First Region, 15 New Chardon,

APPEARANCES (Continued):

Street, Boston, Massachusetts, appearing as Counsel for the General Counsel.

NORMAL ZOLOT, ESQ.,

9 Washington Avenue, Hamden, Connecticut 06518, appearing on behalf of Respondent.

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Witnesses:	Direct	Cross	Redirect	Recross
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PROCEEDINGS

(11:25 a. m.)

JUDGE NACHMAN: On the record. This is a formal hearing before the National Labor Relations Board in the matter of Local

Union No. 305, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Case Number 1-CB-2385 and 1-CB-2389.

The Administrative Law Judge conducting this hearing is Joseph I. Nachman.

I will ask counsel to state their appearances for the record, please. General Counsel, first?

MR. ROSEMERE: For the General Counsel, Robert C. Rosemere, National Labor Relations Board, Bulfinch Building, 15 New Chardon Street, Boston, Massachusetts.

JUDGE NACHMAN: For the Respondent?

MR. ZOLOT: Norman Zolot, 9 Washington Avenue, Hamden, Connecticut 06518.

JUDGE NACHMAN: Are there any other appearances for the record?

MR. LARKIN: My name is William J. Larkin from Waterbury, Connecticut and I'm here for the Connecticut Plumbers and Pipefitters Pension Fund, administrator, who has been subpoenaed as subpoena duces tecum.

JUDGE NACHMAN: Well, are you appearing officially in this proceeding or just for the subpoenaed witness?

MR. LARKIN: Just for the subpoenaed witness.

JUDGE NACHMAN: All right. If there are any motions concerning that, I will take them up in a couple of moments.

Mr. Rosemere, would you introduce the formal papers please?

MR. ROSEMERE: I offer in evidence, in duplicate, General Counsel's Exhibit No. 1(a) through (i), inclusive. Item (i) is an index and description of the entire exhibit. This exhibit has been shown to Counsel for Respondent and I understand there is no objection thereto.

MR. ZOLOT: There is no objection.

JUDGE NACHMAN: All right, GC1 and all its parts will be received.

(The document above-referred to, heretofore marked General Counsel's Exhibit No. 1(a) through (i), was received in evidence.)

* * * * *

15 ANTHONY J. IMPELLITTERI

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

JUDGE NACHMAN: You called him as a 43(b) witness. Maybe he is, but you haven't established his qualifications.

MR. ROSEMERE: May we go off the record just a moment?

JUDGE NACHMAN: Yes. Off the record.

(Discussion off the record.)

JUDGE NACHMAN: Back on the record.

DIRECT EXAMINATION

Q. (By Mr. Rosemere) May we have your full name and address for the record, sir? A. Anthony J. Impellitteri, Barton Lane, Ledyar, Connecticut.

16 Q. What is your job at present, Mr. Impellitteri? A. At the present time, International, Special Representative of the International Association and United Association of Plumbers and Steamfitters in Washington, D. C.

JUDGE NACHMAN: Do you have any connection with Local 305?

THE WITNESS: At the present time, no, none whatsoever.

MR. ROSEMERE: I think this question I was about to put to the witness will establish --

Q. (By Mr. Rosemere) Am I correct, Mr. Impellitteri, that until recently, you had been a business manager for Local 305? A. Yes, sir.

JUDGE NACHMAN: What period of time did that cover?

THE WITNESS: Eighteen years prior to November 1, 1973.

JUDGE NACHMAN: So for many years prior to 1973, you were a business agent for Local 305?

THE WITNESS: Yes, sir.

MR. ROSEMERE: I take it, Your Honor, that we're satisfied that the witness meets the standards of 43(b)?

JUDGE NACHMAN: He does. An officer of the union during the time in question.

Q. (By Mr. Rosemere) Mr. Impellitteri, will you tell us please what is the function of the job of business manager for Local 305 while you held the post? A. With reference to this case which is at hand, let me say that I would be in the sole position in the referral
17 system, which is a nonexclusive -- I'm sorry, an exclusive hiring hall system. My job is also to act on problems such as jurisdiction, that which pertains to other Locals and the problems with reference to pension, health, pension, welfare, health and welfare. It is insurance problems within the Union, any gripes that are brought on about the job, representing the Union and nonunion people on the job with reference to gripes, the collections of various monies from stewards on various jobs, that is, those people with reference to the permit system, people who are not, let's say, who don't pay their dues directly to the secretary of the Local. I am in concert with various building trades committees throughout the

State of Connecticut. I attend many conventions, seminars, dictated to by our parent organization. In generalities, I'd say that's about the text of my job.

Q. Is it fair to say that one of the principal functions of the job is the placement of people in jobs through the hall? A. Yes.

JUDGE NACHMAN: Would it be correct to say that whatever function the union has to perform with respect to hiring hall, that until November 1st, it was your function to perform it?

THE WITNESS: Yes, sir.

Q. (By Mr. Rosemere) What crafts or trades does Local 305 cover, Mr. Impellitteri? A. Plumbers and steamfitters.

Q. And do you have a classification called pipefitters, as well as steamfitters? A. Yes.

Q. Are these two terms, pipefitters and steamfitters, used interchangeably or are they separate groups? A. Within the parent organization, let's say, we'd have to say collectively they are one group.

JUDGE NACHMAN: If I was an employer and I called you up and I wanted five steamfitters, you'd know what I meant?

THE WITNESS: Yes.

JUDGE NACHMAN: And if I told you I wanted five plumbers, you'd know who I meant?

THE WITNESS: Yes.

JUDGE NACHMAN: And you consider -- you refer to the same person?

THE WITNESS: I'm sorry?

JUDGE NACHMAN: You would refer to the same person, I mean, the same group?

THE WITNESS: The same group, yes, but not necessarily the same person.

JUDGE NACHMAN: The same group?

THE WITNESS: Yes, that's right.

Q. (By Mr. Rosemere) So I take it then you have pipefitters and steamfitters. You have plumbers and welders, is that correct?

19 Is that another classification? A. You just mentioned the classification of pipefitter. A pipefitter is considered as that welder classification. In other words, we would say pipefitter -- his book would say pipefitter-special skill, welder. The plumber's book would read plumber or steamfitter's book would read steamfitter, or an apprentice's book would read apprentice. Those would be the categories, if you want that clarification.

Q. So you do have welders within the Local whose primary job responsibility is welding, is that correct? A. Yes.

Q. However, they're not characterized or categorized as welders, but rather as pipefitters, is that correct? A. That's right.

Q. Now you have gas fitters, also, within the Local?

A. Yes, we have gas distributors.

Q. If I understand correctly, Mr. Impellitteri, sometime in the recent past, within the past two years, two Locals merged, with Local 305 being the surviving Local, is that correct?

A. Yes, sir.

Q. And the other one was a gas fitters Local, is that correct?

A. No.

Q. What was the other Local? A. The other Local had the same identity as Local 305, which was 267, but in addition to the duties that they had comparable to what Local 305 had, prior to the merger, they also had what

20 is known as the gas distribution department.

JUDGE NACHMAN: When did that merger take place?

THE WITNESS: January 1st, 1973.

Q. (By Mr. Rosemere) Now before the merger, did Local 305 have a gas fitters group? A. I'm sorry.

Q. Before the merger, did Local 305, itself, have gas fitters in the Local? A. No, sir.

Q. So Local 305 has gas fitters now as a result of the merger in January of '73? A. Yes, sir.

Q. How about sprinkler fitters, do you have any sprinkler fitters? A. No.

Q. Now, if I understand this correctly, I believe that plumbers in the State of Connecticut are required to be licensed, is that so, sir? A. Yes, sir.

Q. Is that so with respect to steamfitters also? A. Yes, sir.

Q. Is that so with respect to pipefitters? A. Yes, sir.

Q. Is the license required or is it optional?

JUDGE NACHMAN: What was that?

21 Q. (By Mr. Rosemere) Is the license required for a steamfitter or for a pipefitter or is it optional? A. It's a state statute.

Q. It's a state statute? A. Yes.

JUDGE NACHMAN: In other words, if I wanted to work in that category, I'd have to have a state license?

THE WITNESS: Yes, providing -- just to clarify something, there are variations now on jobs, that is, such as utilities, public utilities, who were given the right by the law where a license is not required if you work for, per say, that company. There are variations of companies where a license is not required, such as federal reservations, utility companies. There could be other ramifications.

JUDGE NACHMAN: Do you serve those utilities?

THE WITNESS: Yes, sir.

Q. (By Mr. Rosemere) Was any exception made with respect to plumbers? A. I'm sorry? Oh, yes.

JUDGE NACHMAN: I'm not sure the witness -- do the plumbers have to have licenses?

THE WITNESS: I'm sorry. I answered the question -- the question you asked of me -- are plumbers, steamfitters and pipefitters required to have a license in the State of Connecticut and my answer to that was yes, with certain ramifications.

22 JUDGE NACHMAN: And the same exceptions that you mentioned do apply to the plumbers?

THE WITNESS: To the plumbers or steamfitters or the welders. In other words, there are variations of jobs where licenses are not required under the statutes that are written up in the State of Connecticut.

JUDGE NACHMAN: Mr. Zolot, could I ask you, in your brief, if you will give me the reference to that statute?

MR. ZOLOT: Well, I can give it to you right now. Your Honor, the statute is Section 20-231 and subdivision of that is called the Plumbing and Pipefitting Work Examining Board.

JUDGE NACHMAN: Well, it's in the record. In other words, if I want to examine the Connecticut Code for the statute the witness is referring to, I would look at the section you just gave me?

MR. ZOLOT: Yes, Your Honor.

Q. (By Mr. Rosemere) Would you describe for us, Mr. Impellitteri, the type of work that the pipefitter performs?
A. I've got to clarify this because, again, there are many, many ramifications here. In our Local -- I say "Local," Local Union 305, we have -- we use one category as a pipefitter, versus other unions that have -- within our parent organization there are charters known as mixed locals which would be a local union that has or employs

plumbers, pipefitters and welders. That would be a mixed local,
23 with that union having jurisdiction of those three crafts and I'll even include in this case the gas distribution. Then there are what is commonly known as separate unions that would be a steamfitters' union, with the conglomeration of a pipefitter group in that and that would be their identity. Now, there would also be welders in this group. Now we have another set of people or another charter which is strictly a plumbers union. Now, it's also a must in the business -- except plumbers do welding too, so therefore, there would be plumbers who would be in that group. Now again, these welders within that group would be known as pipefitters, that is, on the steamfitters' side. These welders who work for the plumbers when they -- well, they know nothing about drains or venting and they would be known as pipefitters-special skill, welders on the plumbers side. Then you have a third group or third charter which is known as a metal trades charter which puts the whole conglomeration together, which has all -- let me say, all facets of this business. Does that answer your question?

Q. Well, which group do you fit into, Mr. Impellitteri, your Local 305? A. We are a mixed local.

Q. You're a mixed local? A. Yes. Plumbers and steamfitters.

Q. Now, aside from these special welding skills, if I understand you correctly, a welder is not classified as a welder but he's
24 classified as a pipefitter? Let me take the traditional pipefitter within your Local 305, not the pipefitter who is really a welder, but a pipefitter who performs the normal pipefitting functions and would you describe for us, please, what that pipefitter normally performs on the job? A. Well, again, that's why I made those three statements there. We do not recognize this person as a pipefitter.

Q. What person? A. This one that does normal functions. The only one we recognize as a pipefitter is the welder. The steamfitter will work according to the heating code as set up by the State or statutes in the State of Connecticut. The plumber will work according to the statutes set up by the plumbing code of Connecticut and these are the two differences, where the welder would be welding for the steamfitters side or he would be welding for the plumbers side or that category.

JUDGE NACHMAN: You mean if there was a man who was in the classification of plumber (welder), that he would only be welding for the plumbing operations?

THE WITNESS: Again, in our Local, we are a mixed local so that welder could weld for the plumber or the steamfitter, but if it were a local that was separate, in other words -- let me try to clarify it. In Hartford, we have two Locals -- a Plumbers Local and a Steamfitters Local. The plumbers have their welders and they weld strictly for the plumbers. The steamfitters have their welders and they weld strictly for the steamfitters. They are two different identities and they have two different charters within the City of Hartford --

JUDGE NACHMAN: Yours is a mixed local so the welders would weld for either one?

THE WITNESS: That's right.

Q. (By Mr. Rosemere) Let's direct your attention to the people in your union who install the pipes. What are you going to call those people? Are you going to call them steamfitters?
A. Depending upon what systems they are installing. If it has to do with drainage --

Q. I'm not talking about the traditional plumbers work. I'm talking about these tradesmen other than the plumbers and other

than those who perform strictly welding functions -- A. I'm sorry. I don't follow your line of thinking.

Q. I'm not talking about plumbers. You understand when I'm making that exception that we're separating a group from consideration -- A. Right.

Q. I am now talking about those who are hired principally to perform welding functions. That leaves us with two groups which I understand to be pipefitters and/or steamfitters, is that correct? I'm interested in the people who are actually installing the pipe on the job and I am not talking about plumbers --

MR. ZOLOT: May I interrupt this just to help it along?

26 Mr. Rosemere, what the witness is saying is that everybody works with pipe, but whether you're a plumber or a steamfitter, it depends upon the system you're working on. If you're working on the heating system or a drainage system, you fall under one category or classification --

JUDGE NACHMAN: Namely the steamfitter?

MR. ZOLOT: No. He could be a plumber for the heating part of it. If you're working on a sewer system, you would be a plumber, but if you're working on an air conditioning job, you'd be a steamfitter. It depends upon what function the piping system is serving at the time and you could have a situation where pipefitters in this Local are doing work for all types of systems so it's the use to which the pipe is put that determines whether it's a plumber or a steamfitter, if that helps you in your approach.

JUDGE NACHMAN: Does that answer your question? Are you willing to accept counsel's answer?

MR. ROSEMERE: No, not entirely.

JUDGE NACHMAN: All right, then have the witness answer it.

Q. (By Mr. Rosemere) I have -- may have some notions about the plumbing trade which may not conform with the standards in the State, but when I think of plumbing systems, I think of those engaged in sanitary piping, for the most part, which is different from that of the steamfitter, who may be installing steam lines or
27 oil lines or water lines, or usually what we call "pressure systems," as distinguished from maybe drainage or gravity systems incident to a sanitary installation. A. Yes, and no, to answer your question. Can I clarify that?

Q. By all means. A. A water line that is related to a plumbing system would belong to the plumbers. A water line that is related to the steamfitters system would, say, make up water to a certain boiler, then that would belong to the steamfitters, so you can't say in all cases that the water belongs to the plumber or the steamfitter. Is that what you're looking for?

Q. Well, yes.

JUDGE NACHMAN: So the particular man's classification of whether he would work on a particular job would depend on, in the first instance, on what kind of job he was doing?

THE WITNESS: Yes, sir.

Q. (By Mr. Rosemere) Now, once again, may I ask, if I asked you what work the steamfitter normally works on, could you tell me that? A. I think I'd have to spend about two days here to answer that, but let me say the steamfitter would handle all steam systems, hot water systems, processed piping and in some cases, it comes in the jurisdiction of the steamfitter and also it may fall into the category of the plumber, depending upon what it is. If I was to use terms as far as buildings are concerned, then maybe I could clarify it that way. Let me say that normally
28 a steamfitter would build atomic power plants, steel rolling

mills, compact acid plants, any variations of refining plants, oil refineries, sugar mills, all the stuff, let's say the major portions of this work would fall under the category of a steamfitter.

Q. Let me stop you here if I may. I think you've given us a good coverage. Can you tell us now what size -- the range of size of pipes that the steamfitter works on? A. It could be from one-eighth inch tubing to four foot, five foot pipe, it's immaterial.

Q. All right. Does he work on more than one type of metal? A. Metal?

Q. We have wire pipe, metal, copper pipe, iron pipe -- A. The answer to that is yes.

Q. Now, does he perform a threading operation, threading pipe? A. There are many variations of joints. One could be threaded.

Q. I'm suggesting one - threading. A. It could be, yes.

Q. Would he work on flange joints, for example? A. Yes.

Q. Will he fit joints that are going to be welded? A. Yes.

Q. This is all part of the steamfitters work, is that correct? A. Yes, and it's also part of the plumber's too. So please don't misconstrue what I'm saying.

* * * * *

30 Q. (By Mr. Rosemere) Now, how many new members admitted as of August 4th shown on this GC2? A. Ninety-three.

Q. Now, how many in total on this GC2, if you know? A. The total membership?

Q. Yes. A. I'd say approximately four hundred and thirty.

Q. Well, we can ascertain that for ourselves by counting all the names on this GC2 -- A. Yes, unless it's a misprint.

Q. And of that total number, ninety-three are the new members admitted as of August 4th, 1973? A. Yes.

Q. Now, directing your attention, Mr. Impellitteri, to these ninety-odd new members on August 4th, what is their craft

31 designation? A. I believe there were eighty-one welders and twelve people who fall into the category of either plumber or steamfitter and which numbers were withir the number, I don't know at the present time.

JUDGE NACHMAN: Do I understand you correctly that the eighty-one welders that you've mentioned here, they would be people that would do plumbing work, isn't that correct?

THE WITNESS: No. They would do welding work.

JUDGE NACHMAN: Solely welding work?

THE WITNESS: That's right.

JUDGE NACHMAN: Not do any steamfitting, pipefitting work?

THE WITNESS: Your Honor, they can do steamfitting -- once the man is referred to a job, then the Union -- once the Union refers the man to the job, we have no more jurisdiction over the man as far as what the contractor originally called for. In other words, he uses the man to his -- in other words, to complete his job in any way he can.

* * * * *

34 Q. (By Mr. Rosemere) Now, Mr. Impellitteri, let me direct
35 your attention to that portion of GC3 which has been captioned "Hiring of Men," at Article XVI. I take it you have a long familiarity with that? A. Well, it's not infallible.

Q. Now, I take it then in the operation of this referral system, somehow employers have to contact the hall, is that correct?
A. Yes, sir.

Q. Now, how does this come about? When an employer wants men, what does he do? A. Generally, he calls the office by telephone.

Q. Who does he normally reach at the hall? A. In the past, prior to the merger of 267 and 305, which was again January 1st, 1973, he would reach me. Since January 1st of '73, Terry Quinn, who is the business agent, or I or whoever would be in the hall, he would reach them for that portion of it.

Q. So, in normal circumstances, the employer would call the hall and reach either you or Mr. Quinn, is that correct? A. Yes.

Q. Now, does the employer specify the type of men that he wants, the number of men he wants and when he wants them? A. Yes, sir.

Q. Now, having received those instructions from the employer, what do you or any other responsible officer of Local 305 who is authorized to receive these requests do by way of filling

36 the employer's order for men? A. We have a referral slip where the members, either union or non-union members, have qualified and certain qualified people have come in and signed a slip and if the contractor wants five welders, we take the first five welders off the list and dispatch them. If he wants, say, three plumbers, the first three plumbers come off the list. If he wants four steamfitters, the first four steamfitters come off the list. If he wants two apprentices, we check the ratio and give him the amount of apprentices he is entitled to according to the list of apprentices.

JUDGE NACHMAN: They are taken in order off that list?

THE WITNESS: Yes, sir. Union and non-union.

Q. (By Mr. Rosemere) Now, are all out of work men required to register at the hall? A. If they want to go to work, they register.

Q. Well, is this the only way that they can insure their opportunity for referral, namely, to register for work at the hall? A. Yes, sir.

Q. So if a man does not register at the hall, he's not likely to be among those applicants selected for referral? A. Well, not necessarily. There's an area in this agreement here that says if a contractor wants a certain man with, let's say, a say, a special
37 skill or to run a job for him, specialized category, chances are that contractor would meet with the man and they can report to me that I've got this man for this job. In other words --

JUDGE NACHMAN: In other words, the contractor could say to you, "for this particular job, I want John Smith?"

THE WITNESS: In a supervisory capacity or a special skill, yes.

JUDGE NACHMAN: And he could either have him there working for him or he would ask you to get John Smith for him?

THE WITNESS: Yes.

JUDGE NACHMAN: And you'd do it?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) Now, do you have the register for 1973?

JUDGE NACHMAN: Would that be true whether John Smith's name was even on the list?

THE WITNESS: Yes, sir, that's right.

* * * * *

JUDGE NACHMAN: You'd better mark them if you're going to ask any questions on them.

(The document above-referred to was marked as General Counsel's Exhibit No. 4 for identification.)

Q. (By Mr. Rosemere) I'm looking at a document marked for identification as General Counsel's Exhibit No. 4, which I under-
38 stand, Mr. Impellitteri, has been characterized by you as a referral list, is that correct? A. Yes.

* * * * *

Q. (By Mr. Rosemere) Now, this GC4 covers all the classifications of tradesmen in Local 305 that we previously discussed? A. Yes, sir.

JUDGE NACHMAN: Does that designation appear on the list?

THE WITNESS: I beg your pardon?

JUDGE NACHMAN: Does that appear on the list? If you have John Brown's name there, does it say --

THE WITNESS: It will say John Brown -- steamfitter; John Brown -- welder; John Brown -- apprentice, yes, sir.

Q. (By Mr. Rosemere) Now, if I understand you, this is the only register in existence? A. Yes, sir.

Q. For the period covered, namely, -- well, this one dates from December, 1972 up until December 3, 1973? A. Yes, sir.

MR. ZOLOT: I'm not sure the witness understands the question. You're referring to the referral list? That's the only list.

MR. ROSEMERE: That's what I'm talking about. This is the referral register, referral list?

39 MR. ZOLOT: Yes.

JUDGE NACHMAN: Would it be true that everyone the union referred to a job in that one-year period was taken from that list?

THE WITNESS: No, sir. I made that statement clear. There are many cases where the contractor may call for a man --

THE WITNESS: Yes, sir. They could have made the contact themselves.

JUDGE NACHMAN: With the exception --

THE WITNESS: There's one more exception. Assuming now that off that list, that a contractor calls for a group of people and you'll notice on that list there are many welders' names. A contractor such as we have right now at the Atomic Power House calls for a welder with a special skill -- when I say, "Special skill" now, a certain type of welding technique which is not, let's say, -- every welder doesn't have this technique --

JUDGE NACHMAN: Doesn't have this skill?

THE WITNESS: The terminology, I'd have to say like welding with a short arc rather than a long arc or so forth, this welder may be qualified in the State of Connecticut, as far as a welder, per say, but he would not have the necessary technique that the contractor calls for, so therefore, these people here would have to be eliminated in the event they don't have that technique and there is no documentation on that referral list if we were able to contact other people from other areas, people who have that qualification and we put these people to work, but they would not show up on that referral list. These are contacts we made out of the office in order to secure these types of people.

JUDGE NACHMAN: Let me see if I understand you. The contractor will call in for five men of a particular qualification. You have no one on your list of men who have that qualification. You only have one, let's say, so to fill the order, you contact people whose names do not appear on the referral list?

THE WITNESS: Yes.

JUDGE NACHMAN: And try to see if you can find enough men to fill the contractor's order?

THE WITNESS: In many cases, Your Honor, we can't fill the order. Then the contractor has the right, by contract, in some cases, by contractual formulas, to secure his own people from avenues he may find.

JUDGE NACHMAN: But so far as the union is concerned --

THE WITNESS: Right, yes, sir.

JUDGE NACHMAN: You try to fill the order --

THE WITNESS: We try to complete his job.

JUDGE NACHMAN: By telephoning people whose names are not on the list?

* * * * *

43 Q. (By Mr. Rosemere) So the check mark means dispatched? A. Yes.

JUDGE NACHMAN: Well, then if you got another order from a contractor for five welders and that first man would not be taken into consideration because he is working, is that it?

THE WITNESS: Not necessarily. We can't deprive a man of a living. If the contractor calls for that category and that man is capable --

JUDGE NACHMAN: Well, he calls for five welders. He leaves it to you to pick them out. The first named man on the list you have already dispatched to a job and he's working. You would not take him into consideration --

THE WITNESS: He's working already. No. He's working. We'd go to the second or the sixth in that case.

Q. (By Mr. Rosemere) Now referring to the third page of your exhibit, running down the list I see V. J. Bartolucci and under his name, A. DiMella. I believe those are the two persons involved in this proceeding today and there are lines drawn through their names. Now what is the significance of that? A. Well, I walked into the office one day. My assistant told me that Mr. Bartolucci and Mr.

44 DiMella had submitted -- put their names on the referral slip. Maybe Mr. Quinn is not familiar with the agreement of Local Union 305

as far as the referral of people. Our agreement says that a qualified -- only qualified people are entitled to sign that referral slip to be so dispatched. Now, some time ago, I had the occasion to meet with Brothers DeMella and Bartolucci. They filled out an application. They wanted to, more or less, submit their names for application for admittance into the union, of their own volition. They showed me another application that they had -- I can't recall the exact month, but approximately two and a half, two years and maybe six months of service working for contractors within the jurisdiction of Local Union 305, so I can go back and say that on Brother DeMella's application, it was approximately two years and a half of what we would say working as hands for Local Union 305. When I say, "hands," I mean work was addition to what the normal claimant would do because I don't think they're qualified and discuss it with their foreman. They're not capable of reading blue prints. In some cases, they don't know how to silver solder, which is an attribute of the steamfitter. And also on that application was words to the effect that the additional time had been spent, maybe twelve or fourteen years with General Dynamics as a rigger at Electric Boat in Connecticut and it was in the rigger department. I had discussed this with Mr. DiMella and he said he had rigged pipe in the

45 pipe shop for General Dynamics. Well, the categorization of a rigger in Electric Boat falls under the jurisdiction of the pipe fitters and is just in that shipyard where they allow their people to do this work; wherein on the outside, our pipefitters do our own rigging, so in other words what I'm saying here is -- to make a long story short -- is I could not, in my judgment, allow -- and again, I'm not the person that rules on this stuff. It's the union. It's my sympathy to the application, that I could not allow a person two and a half years of credits -- in other words, to suffice the five year program which we have which

was considered competency and I rejected that application. I'll go into detail after. Getting back to Brother Bartolucci, I believe his application, if my mind serves me right, was approximately two years and nine months as a man working under the jurisdiction of Local Union 305. Again, he falls in the same category and I doubt very much if he could silver solder. In talking to the people he worked for, or read intricate blue prints and the rest of his time was spent as a gas meter reader for the State of Connecticut, which is reading meters outside of the door which has nothing to do with our trade whatsoever, so I denied both gentlemen the right to, and I had Terry Quinn draw a line through their names on the referral slip because I told him that, in my judgment, they were not qualified men and, therefore, they don't belong on that list. That list is only for qualified people with five years experience or have gone through an apprenticeship system.

46 JUDGE NACHMAN: Did you inquire whether they had a license from the State to do that kind of work?

THE WITNESS: If the job, Your Honor, calls for it. In other words, we will accept that name. And in the event there is a job that does not require a license, we can dispatch this man if he's available for that --

JUDGE NACHMAN: That's not my question. Did you inquire of either of these men whether they had a license from the State of Connecticut to do the type of work that does fall within your jurisdiction?

THE WITNESS: Yes, sir, I inquired of both of them. They do not have either of the licenses. At least at that time, they did not have licenses.

JUDGE NACHMAN: You were informed that they did not have such licenses?

THE WITNESS: Yes, sir.

Q. (By Mr. Rosemere) When were you so informed?

A. About the licenses?

Q. About Bartolucci and DiMella not having licenses, when did you find that out? A. I would say they came to my office a couple of days before the swearing of these people on November 4th. I'd say it had to be around November 1st, maybe. No, I'm sorry, August 1st.

Q. Who brought it to your attention? A. I asked the
47 question of them when they filled out the application if they had a state license and they answered no.

Q. When they filled out an application for what, sir?

A. To join the union.

Q. An application for membership? A. That's right.

Q. All right. You say this occurred about the first part of August? A. That's right.

JUDGE NACHMAN: When did they indicate the desire to go on the referral list? In point of time, when did they indicate their desire to go on the referral list?

MR. ZOLOT: Why don't you look at the list which General Counsel has here to refresh your recollection?

JUDGE NACHMAN: Will it appear on the list?

MR. ZOLOT: Yes, it will, Your Honor.

MR. ROSEMERE: The exhibit shows, Your Honor, and I am willing to stipulate that Bartolucci and DiMella appear on GC4 for a date indicated in the column alongside their names of August 6, 1973.

* * * * *

48 Q. (By Mr. Rosemere) Now, Mr. Impellitteri, is this the first time that Bartolucci and DiMella physically registered on the list? A. To my knowledge, yes. I have no register of them prior to that.

Q. Now you say that about the first part of August, when they applied for membership application, that you found out, through asking them, that they didn't have licenses, is that correct?
A. Yes.

Q. Did you proceed to give them membership applications?
A. Membership applications for the union?

Q. Yes. A. Yes, sir.

Q. Well, I take it then that they could be eligible for membership then even without the licenses? A. It's possible. I don't know how, but this is one of the established criterias of the union that a license is required.

Q. Well, maybe my assumption is wrong. I assume that when you gave them the applications that you wouldn't have given them one if they weren't eligible, even without the licenses.
A. I'm acting under the assumption that at the time they asked for the application, they did not have a license, but they may have applied for a license with the State of Connecticut and they may have one coming in when they submit the applications.

49 Q. Did you ask them that? A. No, sir. They know very well or it's been made clear to them that a license is a criteria for submission of an application. Now many a time, a person secures an application from us or our office and does not submit the application until six months later, so when they're going to submit this application I don't know, but I will give them the application. The important factor here is when they submit the application to the union do they have that license attached to that application.

Q. And I take it you asked them that question, is that correct? A. Yes, sir.

Q. At that time? A. At that time, they did not have a license.

Q. Did you ask them whether they had an application for a license pending? A. No, sir.

Q. Isn't it common knowledge that quite a body of men were taken into membership in the early part of August -- A. Yes, sir.

JUDGE NACHMAN: Were these two men in there?

THE WITNESS: No, sir.

Q. (By Mr. Rosemere) Hadn't these two men returned their applications filled out to you? A. Yes, sir.

Q. And do you know when they returned their filled out
50 applications to you for membership? A. I'm sorry.

Q. Do you know when they returned their applications to you? A. The exact date I can't remember. I'd say it was in the same month.

Q. And do you know whether they were the only two applicants whose membership applications were not favorably acted on?
A. That's a loaded question. The simple reason --

Q. Well, I don't mean to load it. I'm merely trying to establish -- what I'm trying to say -- A. Well, when you make a statement like this, it has to be known to the Judge here that we are taking people in under different categories or let's say the ramifications or incidents are always different here. Now, if I can clarify this point, Your Honor --

JUDGE NACHMAN: Go ahead. You're answering the questions.

THE WITNESS: Approximately a month prior to the date of August 4th, I received a communication over the signature of the

International Representative representing New England by the name of Anthony Smith, who was the representative for the United Association, our parent organization. This communication, I believe we have it on file in the office, was addressed to me as Business Manager for Local Union 305 and, let's say, the terminology or the theme of this letter was that I, Anthony Impellitteri, was

51 ordered to process all applicants with five years of actual practical working experience in the jurisdiction of Local Union 305 --

JUDGE NACHMAN: When you say, "process," what does that mean?

THE WITNESS: In other words, have them fill out the applications. Now, any person that worked within our territory, with the exception of some people who I knew did not have five years experience, working on permit, namely, my own brother, I did not give an application to because he had about two, two and a half years of experience, so he was not given an application. Members who belonged to a parent organization in the metal trades charts were not given an application. This was dictated by --

JUDGE NACHMAN: How about the two men in the proceeding here?

THE WITNESS: The two men involved were not given one because they did not have five years of actual working experience in the plumbing and pipefitting industry, but I did accept their applications and turned them over to the Union and let the Union -- I don't run the Union. I just run an office and I handle that which is handed to me. Back to the union -- and the union then rules on what they want to do and this was done by me, but because of the orders and dictates of our parent organization which says that I am to process people with five years of practical working experience, Brothers

52 DiMella and Bartolucci did not show me on the application -- but it was only roughly two and a half years training or two years, nine months, I could not allow them -- I could not submit them to our International Representative who swears these people in on August the 4th.

* * * * *

Q. (By Mr. Rosemere) It seems to me the question comes up about qualification, we're talking about qualifications for membership for one thing. Are the qualifications for referral any different than the qualifications for admittance to membership?
A. Do you want an answer?

Q. Yes. A. When an abundance of work appears in a given territory, we put out riders to people that we need qualified people to go to work. When we cannot supply a contractor with men, let's say qualified people, off our referral list or hearsay or any other way, then we say to the contractor who is screaming at the top of his lungs that he's got to get his job done on such and such a day,

53 a certain time or there are penalties involved, demerits involved and so forth, the only answer we have for the contractor is, either you go out in the street and pick them up off the street, or we can recommend to you some people who could be hands to do -- who are not qualified, who are not fully qualified, but to use the best way you can, available carrying pipe, or lugging pipe or raising pipe or other areas so you can get your job done. They're not fully qualified, but there are times when even we have to turn our head as far as the license law is concerned, providing now the State doesn't interfere and say well this man has got to have a license. So in many cases, the Union takes a chance. The Union just refers. The contractor, if he wants to take that chance, it's the man that's

in jeopardy. He's the man who is levied the penalties against him.

Q. So that the record will then show, Mr. Impellitteri, there can be a certain standard of qualifications for membership and maybe a different standard of qualifications for referral, is that correct? A. We've never had two systems. There's only one system that we've ever dealt and that is the man has to be qualified. We did not have another list stating what we call "grumpies," or men not qualified. We never retained a list comparable to that. We'd, say, we'd select from that group --

JUDGE NACHMAN: If I understand you correctly, what you do then, a number of orders came in, but because of the scarcity of men, for some reason, you couldn't fill the order, you would

54 tell the contractor, "we have six or eight men or ten who we don't consider fully qualified, but they may be able to do some work for you and if you can use them, okay, we'll send them to you?"

THE WITNESS: Yes, sir. That's right.

* * * * *

56 Q. (By Mr. Rosemere) Now, in addition to members, who would be interested in the out of work list, you probably have other

57 people, permit men? A. None other than those that are on that list.

JUDGE NACHMAN: The names of permit men do not appear on that list, is that correct?

THE WITNESS: No, sir.

JUDGE NACHMAN: Are there permit men?

THE WITNESS: Are there additional permit men, other than on that list, is that what you're saying?

Q. (By Mr. Rosemere) Let me see if -- may I reconstruct this? GC4, this registration list of applicants for referral, who appears on there? Just members of Local 305? A. No, sir.

Q. Members and other persons, is that correct? A. Right. Union and non-union people.

Q. They could be members of other Locals of the UA for that matter? A. Yes.

Q. And there also could be, what we call, permit men, meaning not members of any union, right? A. That's correct.

Q. So that, in addition to the approximately three hundred members who would be interested in that out of work list from January to August, and of course, ninety more after that, we would have non-members of Local 305 also interested in the out of work list if they wanted to go to work through your hall, correct?

58 A. Non-members?

Q. Non-members, that is, members of other Locals of the UA and members of no Local of the UA, whom we would properly refer to as permit men, is that correct? A. Yes, sir.

Q. So that this would be the only set of lists that would be involved for the period -- well, I think your first entry shows December 21st. A. That's right.

Q. Excuse me, December 22nd, '72? A. Yes, sir.

Q. Now, does that date there reflect the first -- the date on which the first entry was made or was this list made up at some time after that? A. That's a current date.

Q. In other words, Robert Clark, the first name on the first page, or at least somebody made the entry, "Robert Clark on December 22, 1972," is that correct? A. Yes, sir.

Q. Now, approximately how many permit men on a week, on an average, if you can recall, sought work through the referral list of Local 305? A. For what date?

MR. ZOLOT: Would you please clarify that? Are you talking
59 about qualified men, because those would be the only ones on the referral list.

Q. (By Mr. Rosemere) Let's try it both ways. Could you approximate for us, Mr. Impellitteri, the number of permit men who sought work through Local 305 on an average from January 1, 1973 up through August? On a daily or weekly basis, whatever is the best -- A. It could be seventy-five, eighty, ninety people involved.

Q. A week? A. No, from that time. I can't go by the week.

JUDGE NACHMAN: You mean in the total period December 22nd through August, 1973, there would be approximately seventy, a total of seventy people?

THE WITNESS: Even more than that.

JUDGE NACHMAN: Well, that's what he's asking for.

THE WITNESS: I said approximately seventy, eighty, ninety, a hundred people.

Q. (By Mr. Rosemere) Could you identify on GC4 the permit men, whether their names are crossed off or not?

MR. ZOLOT: May I ask the relevancy of this question because it is certainly not within the scope of the complaint as it relates to two individuals?

JUDGE NACHMAN: I think the question -- in paragraph 6(a), the complaint is a refusal to refer these two individuals --

MR. ZOLOT: Two individuals, right.

JUDGE NACHMAN: But I think the issue here is broad enough
60 -- I don't think I can place any finding that other people were discriminated against, but it might have some bearing as to whether these two people were discriminated against.

MR. ZOLOT: I don't see how, with all due respect, because we're only concerned about a claim that two individuals were discriminated against, namely, DiMella beginning February 7th, 1973 and Bartolucci beginning February 13th, 1973. There's nothing about anybody else.

JUDGE NACHMAN: Well, I think there may be some element of proof in that. I'll permit the evidence to come in.

MR. ROSEMERE: May the record show that I'm giving the witness a pencil so that he can make a check mark in pencil to indicate those permit men on the list.

JUDGE NACHMAN: On GC4?

MR. ROSEMERE: Yes, on GC4.

JUDGE NACHMAN: Explain for the record what type of check mark it will be. It will be a check mark to the left of the name?

THE WITNESS: Yes, sir.

JUDGE NACHMAN: Off the record.

(Discussion off the record.)

JUDGE NACHMAN: Back on the record.

Q. (By Mr. Rosemere) I believe the witness, Mr. Impellitteri, has indicated on GC4 the identity of the permit men on that list by a pencil check mark --

61 JUDGE NACHMAN: To the left of the name?

MR. ROSEMERE: To the left of the name in the margin. Mr. Impellitteri tells me that there are thirty-two such check marks on the exhibit, is that correct, Mr. Impellitteri?

THE WITNESS: Yes.

MR. ROSEMERE: I offer GC4, Your Honor.

MR. ZOLOT: I have no objection.

JUDGE NACHMAN: GC4 is received.

(The document above-referred to, heretofore marked General Counsel's Exhibit No. 4, was received in evidence.)

* * * * *

62 Q. So do I understand that to mean that the Local could, at some future time, take some disciplinary action or expulsion action against somebody who might have falsified an application?

A. Yes and no. When the union swears in -- or in other words, when the union takes a person into application or into membership, then I would say the union has that right to do that. Now, these ninety-three people, to clarify it for the Judge and maybe you are familiar with what has happened here, the parent organization, United Association of Plumbers and Steamfitters out of Washington, D. C., saw fit through an organization drive to on all of these people who had been working in a given area with a background comparable to that which they consider competency, such as most of these people -- of the ninety-three people, eighty-one were welders with background at

63 General Dynamics, anywhere from five, six to twenty years of experience, which was needed in our trade, building the atomic power houses in our area, because these people --

MR. ZOLOT: Would you please speak up? With the sand-blasting going on outside, I can't really hear you.

THE WITNESS: Did I answer your question in full?

Q. (By Mr. Rosemere) You did fine. I take it then these men were not given an examination before they were admitted to membership? A. No, sir.

Q. They were not given an examination? A. No, sir. This was a dictate from the International, not by this Union.

JUDGE NACHMAN: It was assumed that a man had a certain amount of experience, if he did, he was qualified?

THE WITNESS: Yes, sir and in the majority of the cases, the man had certification papers which, in itself, says the man is a qualified mechanic, unless, as I say again, in eighty-one of these ninety-three cases, I'd say that ninety or ninety-five percent of these people were in receipt of certification papers which more or less justifies they are capable or efficient in the area they were looking for membership.

Q. (By Mr. Rosemere) You're saying certification papers, certification of what, sir? A. Welding. I'd say that eighty-one

64 of these people were welders. In order to get a welding paper, you have to be certified.

Q. These welders who were admitted to membership came in as, I understand it, as pipefitters, is that correct? A. That's right. Pipefitters - special skill, welding.

Q. Now some of their experience as welders, I think you just said a minute ago, came from their service in General Dynamics? A. Many of them spent as much as two or three years working under the jurisdiction of Local Union 305 in other areas surrounding New London, too.

Q. Welding, of course, is an integral part of the whole pipe-fitting operation, is it not? A. Yes, sir.

Q. Is there any other facet of the trade that is not strictly pipefitting but which is necessary in order for the performance -- A. No, sir.

Q. How about this rigging function? A. No, sir.

* * * * *

66 Q. (By Mr. Rosemere) Can you tell us from your recollection, Mr. Impellitteri, when Mr. DiMella, for example, was first referred from Local 305 to a job? A. When? The original date?

Q. Yes. A. I don't know.

JUDGE NACHMAN: Can you approximate? Was it 1969?

THE WITNESS: Around that time, I'd say.

Q. (By Mr. Rosemere) Do you have a better recollection
67 with regard to Mr. Bartolucci or would your answer be what, sir? A. I think Bartolucci would be a little sooner than Mr. DiMella. Maybe three or four -- in other words, a longer time. Say the latter part of '68, if I'm right. I don't know, or the early part of '69.

Q. Is it fair to me to say that you, yourself, did refer them out at that time? A. I contacted them as individuals, not out of the office. I called them at their home.

Q. And they had not registered on your referral slip, is that right? A. No, sir.

Q. Now I do intend, of course, to have the gentlemen themselves review their own employment history, but by way of covering from the period initially when they were referred through 1970 and '71 and '72, let me bring up to date their most recent employment referral. Do you happen to recall to what job you last arranged for their referral?

JUDGE NACHMAN: Do you mean both together or separately?

Q. (By Mr. Rosemere) Well, take DiMella for one -- do you remember -- recall when Mr. DiMella was last referred out by you? To a job from 305? A. I can tell you the job site and the approximate time. It was at the Ebasco job at Millstone Point, I'd say approximately five or six months prior to their being laid off.

68 Q. Now do you know when Mr. DiMella -- I believe we're talking when Mr. DiMella was going on the Ebasco job, is that correct? A. Right.

Q. Do you recall if Mr. Bartolucci was referred by you to the same job? A. It could have been a little sooner than Mr. DiMella.

JUDGE NACHMAN: But to the same job?

THE WITNESS: To the same job, yes.

JUDGE NACHMAN: How did you refer them? In what capacity?

THE WITNESS: There was a shortage of people at that time and the contractor was screaming that he needed people and I told him we'd give him hands. That's all I can give you. If you can utilize that, go ahead. I couldn't vouch, other than they are good workers and they are good workers. Other than that, I couldn't -- as far as their capabilities are concerned, I couldn't vouch for their capabilities.

Q. (By Mr. Rosemere) So we have DiMella and Bartolucci referred by you to the Millstone Number Two job which was the contractor -- A. Well, it's actually Millstone One.

JUDGE NACHMAN: Well, what the difference?

THE WITNESS: They were two different contractors. Millstone One and Two. I know they were definitely referred to Unit One,

69 which was an atomic power house and they were referred to there by me, yes.

JUDGE NACHMAN: And this referral was, in the case of one man, was late 1968 and in the case of the other, early 1969?

THE WITNESS: I'm not positive, Your Honor. I'd say there was about three or four months difference in their going on the job.

Q. (By Mr. Rosemere) Do you recall when Mr. DiMella was terminated from that Millstone job? A. Somewhere around February of '73.

Q. Would it help if I suggested January 5, of this year, 1973? A. I don't remember. I'm dealing with four or five hundred people. One man doesn't strike a bell.

Q. Do you happen to remember if they were both terminated on the same date? A. Yes. That I do know.

Q. Now when you sent them out to that Millstone job, did you know what they were going to be doing out there? A. Did I know? No, sir. It was left up to the option of the contractor.

Q. All right -- A. I don't tell the man what to do. I just dispatch them.

Q. You send them out on the job and the contractor, through his supervision, can use them where he wants to, is that correct? A. That's right.

Q. Now, when these gentlemen finished up with the Millstone
70 job in the early part of this year, do you know whether they contacted you after that for work? A. I'm sorry?

Q. When Mr. DiMella and Bartolucci finished up at the Millstone job in the early part of this year, do you know whether they contacted you after that for referral to other jobs? A. To sign the referral or to ask me if they wanted to go to work?

Q. Did they contact you at all to go to work? A. Yes.

Q. Over the phone? A. Over the telephone or maybe stopped by in general occasions. I'd meet Mr. Bartolucci at the gas station where we both take gas, on occasion.

Q. Could you approximate for us, sir, the number of times that Mr. DiMella, for example, contacted you by phone or otherwise? A. It could be two or three times --

MR. ZOLOT: Well, if you don't know, don't guess, please.

THE WITNESS: I don't know.

Q. (By Mr. Rosemere) Let me see if I can narrow this down for you, Mr. Impellitteri. I'm talking about the period when they finished up at the Millstone job in roughly the end of August. Do you have any idea how many times Mr. DiMella contacted you by phone or in person or otherwise? A. You're speaking several
71 months. I don't know.

Q. Well, do you recall how many times Mr. Bartolucci contacted you, either by phone or in person? A. The same thing.

Q. You have no recollection? A. No, sir.

JUDGE NACHMAN: Would you say it was a number of times?

THE WITNESS: I could say two or three or four, within that given area.

Q. (By Mr. Rosemere) Do you recall what they said to you when they contacted you? A. "Have you got any work."

Q. Do you recall what you said to them? A. "At the present time, I don't have any."

Q. That's all you said? A. That's it.

Q. Did you instruct them to sign the register? A. No, sir.

Q. Did you tell them not to sign the register? A. No, sir.

Q. Did the question of the register ever come up?
A. No, sir. That's a broad statement. You say did the question of the register ever come up.

Q. Did they bring the question -- A. As far as directly
72 with Mr. Bartolucci and Mr. DiMella and myself, no, but we've --

JUDGE NACHMAN: That's all he asked.

Q. (By Mr. Rosemere) I'm talking about with you.
A. No, definitely not.

Q. Did you have a reason for not referring them to any jobs? A. Did I have a reason for not referring them to other jobs? Other than if they were qualified people, fully qualified people who were in abundance and I didn't need that type of person, then I did not -- that's the reason I did not refer them.

Q. Well, I take it that you were referring people to jobs during each month in 1973, is that correct? A. Yes, sir.

Q. Well now we have Bartolucci and DiMella approaching you indicating that they were out of work and were seeking work through you. Now, you did not refer them to jobs, I take it, is that correct. A. Not as long as there were people, qualified, fully qualified to refer to other jobs. They went out first.

Q. I take it, then, that was your reason for not referring them to jobs? A. That's right.

Q. Did you tell them that reason? A. Yes, sir.

Q. What did you tell them? A. That there were other
73 fully qualified people I've got to put to work first.

Q. That was the way you put it to them, you said there were other fully qualified people? A. Yes, sir.

Q. Did you tell them that there were more qualified people available? A. Not more qualified people. There were qualified people available.

Q. Did you tell them that they were not qualified? A. No, I didn't. They should know that, I would assume.

* * * * *

74 JUDGE NACHMAN: When did you come to the conclusion that these two men were not qualified?

THE WITNESS: When they wanted to sign the roster.

Q. (By Mr. Rosemere) And that was when, sir? A. I would say the same day I saw it on the -- you have the papers in front of you -- whenever they registered --

Q. I think the Exhibit shows, and we agreed, that it was August 6th, 1973. A. That's right and Mr. Quinn sat there when they signed their names, I assume -- when I walked into the room,

I asked Mr. Quinn what these two gentlemen were doing and he said they were signing the referral list and I informed Mr. Quinn that these people were not qualified people and did not, therefore, have a right to sign the register and with that, I said, "strike their names off the list." Now this was --

Q. Was that the time when you reached the decision that they were not qualified? A. As far as registration was concerned.

JUDGE NACHMAN: You were given a nonqualified question -- when did you reach the decision --

THE WITNESS: A long time before that.

Q. (By Mr. Rosemere) How long before that? A. When I originally put the people to work.

Q. The question is when did you reach the decision that Mr.
75 DiMella, for example, was not qualified for referral?
A. Mr. DiMella, I didn't know too much about, let me put it this way. His name was brought to my attention as to his background. Now when I originally put Mr. DiMella to work, again, he was a hand and to my knowledge, he didn't know a pipe from a tube turn, other than, as he says, he may have rigged some Pipes, but as far as putting pipes together, welding pipes, soldering pipes, knowing systems, reading blue prints, he didn't know anything as far as I was concerned. Now let's get back to Mr. Bartolucci. Mr. Bartolucci, when I put him to work, was a hardship case. He was running a tavern. The tavern went out of business. Because he hadn't paid any -- let's say two people involved, he wasn't entitled to unemployment benefits. He was a hardship case. He was reading meters prior to that job. He was reading meters for the Connecticut Light and Power. He had no background whatsoever in the pipefitting industry, but because I needed hands, I put Mr. Bartolucci to work. Now I know the history of both these people and they aren't qualified or they would not qualify in my judgment.

Q. Did you ever give these people an examination?
A. Did I ever give these people an examination? No, sir. That's not my job.

Q. Any contractor ever complain to you about these people once you had referred them? A. No, sir. Not to my knowledge.

76 Q. Do you recollect that Mr. Bartolucci was referred at one time to a refrigeration job? A. Yes, sir.

Q. Isn't that refrigeration considered more sophisticated work in the trade? A. Yes, sir.

JUDGE NACHMAN: Did you refer him to that job?

THE WITNESS: Yes, sir.

* * * * *

Q. Excuse me, sir. Did Mr. Quinn have some special function in 305? Did he monitor any particular operation of your

77 office? A. No. Mr. Quinn -- well, I say no -- Mr. Quinn handled gas distribution and he handled the territory where -- the Norwich territory with the exception of the national contractors and also the New London area, which is the territory I cover.

Q. Wasn't it Mr. Quinn who had referred out Mr. DiMella and Mr. Bartolucci to a gas fitting job sometime in the spring of this year? A. Yes, sir.

Q. We've talked at some length about qualifications, Mr. Impellitteri, and I don't want to belabor the matter any more than His Honor will permit me, but let me ask this question. You may have already indicated your response to it -- who is responsible for determining the qualifications of these applicants for membership -- strike that -- not for membership, but rather for referrals?
A. The contractor or the foreman they're working for.

Q. Well, initially? In the referral, the contractor doesn't know these people. He calls you for men and you refer these people out.

Who has the responsibility, if at all, at the hall for making this determination on the qualifications for referral? A. I'd have to answer this a little odd. Let me say -- if a person comes in with five years' experience, I don't go into detail or ask them what they know about the business. I accept the fact that they are a rounded
78 mechanic and I refer them as such.

Q. Did Mr. DiMella have that quantum of qualification? Did he have that number of year's experience? A. No, sir, absolutely not.

Q. But nonetheless, you had referred him? A. I'm sorry. What was the last thing?

Q. You did refer him, you had referred him since 1969 on jobs? A. That's right, under the conditions I've repeatedly said.

JUDGE NACHMAN: You referred him as a hand?

THE WITNESS: Yes, as a hand.

Q. (By Mr. Rosemere) Now in the Local, who does have the responsibility for determining the qualifications of a person subject to referral? A. Straight line referral? It's --

Q. I'm talking about applicants for referral from the registration. Who has the responsibility as to qualifications --

JUDGE NACHMAN: If I may interrupt, I think what counsel is asking you is this -- you have an order from a contractor for ten men. You are only supposed to refer qualified men. Who has the responsibility to determine whether a man which you intend to send out is qualified?

THE WITNESS: By virtue of the man coming in and telling me that he's worked this place so long. If he can show that he's had five years of experience, his name is on the list and then his
79 name comes off that list and it would be, let's say it would be then my obligation to say these people are qualified or aren't

qualified by virtue of what they have told me about their qualifications or could prove with documentation of such.

Q. Now does the question sometimes arise as to whether a man is qualified or not? A. We don't have many cases like that.

Q. But you can have them? A. Anything is possible.

Q. And in fact, doesn't your contract provide for that eventuality? Doesn't that contract provide, on page 32 of GC --

A. That's right. I know what you're trying to say. In other words, in the event that a man is dispatched on a job and after seven days, the Joint Hiring Committee has the right to examine this man as far as his qualifications are concerned.

Q. Well, that may be another section, sir, what I had in mind is on page 32, if I may suggest -- if any questions arise as to the qualifications and competency of an applicant, the Joint Hiring Committee shall make the determination -- A. That's right.

Q. Do you recollect that? A. That's right. That is after a man with five years has been dispatched on the job, in other words.

JUDGE NACHMAN: If he's got five years, he's presumed to be qualified, isn't he?

THE WITNESS: Yes, sir.

80 JUDGE NACHMAN: Now supposing a man comes in and wanted to register on the referral system and you talk to him about his qualifications and you come to the conclusion that he doesn't have the requisite experience and is not qualified and he insists that he is qualified, how is that dispute settled?

THE WITNESS: Well, let me say that any case where there is conflicting judgment, this man can almost prove to us -- we will dispatch the man. Then if he has problems with the contractor on the job, he's laid off or something, for some reason, then it's up

to the Joint Hiring Committee to take it from there and, more or less, what they do, I don't know. It isn't a job of mine, but I assume they more or less give the man an examination which is comparable to what the man should know.

JUDGE NACHMAN: Would it be correct to say that the Joint Committee doesn't come into play until after you've referred the man to the job and some question arises?

THE WITNESS: Yes.

JUDGE NACHMAN: Where in referral there wouldn't be any dispute as to whether he's qualified or not? You would make that decision for yourself?

THE WITNESS: Yes, sir.

JUDGE NACHMAN: If he told you he was not qualified, you would not refer him?

THE WITNESS: Yes.

81 JUDGE NACHMAN: And if he was qualified, you would refer him?

THE WITNESS: Yes.

JUDGE NACHMAN: And then he would stay on the job according to what the Joint Committee said?

THE WITNESS: As long as we've satisfied the contractor, that's all we care about.

Q. (By Mr. Rosemere) Mr. Impellitteri, did you ever tell Mr. DiMella and/or Mr. Bartolucci that they had a recourse to the Joint Hiring Committee if there was a question about their qualifications or competency? A. No, sir. Your question was did I ever inform them that they could go to the Joint Hiring Committee as far as their qualifications were concerned?

Q. Yes. A. My answer is no, sir.

Q. The contract provides for a Joint Hiring Committee, is that right? A. Yes, sir.

Q. Who is on that Joint Hiring Committee? A. I don't know whose on the Joint Hiring Committee. They are, I believe or I assume, there's three members from the contractors association and three members from the Local Union 305.

82 Q. But you don't know who they are? A. No.

JUDGE NACHMAN: You don't know even who the Local 305's representatives are on that Committee?

THE WITNESS: We have a lot of committees in Local 305 and Local 305 has other things to do, other than worrying about who is on the committees. We just refer them to the committee.

JUDGE NACHMAN: Are you on the committee?

THE WITNESS: No, sir.

Q. (By Mr. Rosemere) Isn't it fair to say, Mr. Impellitteri, that on page 31 of this contract, there's a whole section, I believe, captioned "Joint Hiring Committee?"

JUDGE NACHMAN: The contract will speak for itself.

MR. ROSEMERE: Yes, I understand, but I thought probably by directing Mr. Impellitteri's attention to thatpage, it might refresh his recollection about more details of the Joint Hiring Committee, but I take it it does not, is that correct?

JUDGE NACHMAN: His answer stands -- he does not know who is on that committee.

Q. (By Mr. Rosemere) Now, do you happen to know when the Committee has met, if ever? A. I don't know anything about the operation of the committee.

JUDGE NACHMAN: You're not aware even if such a committee exists --

THE WITNESS: Well, there is, in fact, a committee, but I don't know who they are. I have nothing to do with this.

83 JUDGE NACHMAN: You don't know whether it's ever functioned or not?

THE WITNESS: That I can't tell you.

* * * * *

84 Q. Did you ever tell Mr. DiMella and/or Mr. Bartolucci, singly or together, that you would rather have them working than have some other people working who you already had? A. I've never said that, but they are good people.

Q. Did you ever say you'd rather have them then some of the bananas you already have in the trade? A. No, no. We don't make statements like that. When a man has a card, I dispatch him on his merits or the qualifications that the union has given. It's not up to me to decide. They are just members to me.

Q. Is it fair to say, Mr. Impellitteri, that as a business agent, and you've had a lot of experience as one, you are subject to considerable pressure from the membership, itself, and your own Local, pressure for work? A. Well, everybody wants to go to work.

Q. They all want to go to work, don't they? A. Yes.

Q. And they sort of look to you, don't they? A. They should.

Q. Now isn't it true that other business agents elsewhere in the UA have a similar objection to their members, in that they are interested in putting their members to work? A. Yes.

JUDGE NACHMAN: You mean other business agents of this
85 particular union?

MR. ROSEMERE: The UA, the United Association.

JUDGE NACHMAN: Of Local 305?

MR. ROSEMERE: No. Other business agents of other Locals of the United Association.

JUDGE NACHMAN: What's that got to do with this case?

MR. ROSEMERE: Well, what I'm trying to show, Your Honor, is that Mr. Impellitteri, in his unenviable position as business agent, sometimes is subjected to great pressure from his own membership and maybe from the business agents of other Locals. Is that so?

JUDGE NACHMAN: Suppose that's true, what has that got to do with this case?

MR. ROSEMERE: Well, may I lead into it, Your Honor?

JUDGE NACHMAN: Well, you've got to give me a statement for grounds, first.

MR. ROSEMERE: Well, I'm suggesting, Your Honor, now that you've put the question to me, that Mr. Impellitteri was trying to please, not only his own membership by favoring them for jobs, but was also trying to please fellow business agents in other Locals who may have referred men into them.

JUDGE NACHMAN: I think you'd better evolve some proof of that if that's what you're relying on.

Q. (By Mr. Rosemere) Have you been requested, Mr. Impellitteri, by other business agents to take care of their men, their
86 members for work?

MR. ZOLOT: When? What year are we talking about?

Q. (By Mr. Rosemere) 1973? A. Let me say this -- that the Constitution of the United Association --

MR. ZOLOT: Tony, answer the question yes or no.

JUDGE NACHMAN: The question is very simply -- answer yes or no.

THE WITNESS: Yes.

Q. (By Mr. Rosemere) They have? A. Yes, they have asked me to put their men to work.

Q. And you got these requests, is it fair to say, from any Local of the UA throughout the country? A. Yes, sir.

Q. And isn't it true that sometime this year, that men have come in from outside your Local, that is, members of other Locals of the UA, they've come in for work? A. Yes, sir.

Q. And they've gotten work, is that correct? A. Yes, sir.

Q. In fact, your Local is probably a little more fortunate than some Locals. Didn't you have work when other Locals didn't have work? A. Yes, sir.

Q. In fact, didn't your Local advertise for workers?

87 JUDGE NACHMAN: Advertise for workers?

THE WITNESS: Yes, yes we did.

Q. (By Mr. Rosemere) When did you first advertise for workers, I mean, pipefitters, steamfitters or welders?
A. Approximately four months ago.

Q. And what was your medium of advertising? A. A directive to our parent organization, United Association in Washington, D. C.

JUDGE NACHMAN: I suppose they put that in their magazine or would go out to all the members --

THE WITNESS: It's a newsletter that goes to various locals throughout the country in the United States.

(Whereupon, a document was marked as General Counsel's Exhibit No. 5 for identification.)

Q. (By Mr. Rosemere) Mr. Impellitteri, I show you a document which has been marked for identification as General

Counsel's Exhibit No. 5 and I direct your attention to the third page of that Exhibit. Do you recognize that? A. Yes, sir.

Q. I take it on the third page, under the caption "Connecticut" that refers to your Local Union? A. Yes, sir.

MR. ROSEMERE: I offer General Counsel's Exhibit No. 5 in duplicate.

MR. ZOLOT: No objection.

88 JUDGE NACHMAN: Any objections?

MR. ZOLOT: I don't see how it's material, but no objection.

JUDGE NACHMAN: I have some doubts myself, but I'll receive it.

(The document above-referred to, heretofore marked General Counsel's Exhibit No. 5, was received in evidence.)

JUDGE NACHMAN: Off the record.

(Discussion off the record.)

JUDGE NACHMAN: Back on the record.

Q. (By Mr. Rosemere) Mr. Impellitteri, did the Local, while you were in command, hold regular meetings? A. I'm sorry?

Q. Did the Local hold regular union meetings while you were there? A. Local 305?

* * * * *

90 CROSS EXAMINATION

Q. (By Mr. Zolot) Would you tell His Honor, for the purpose of the record, how you first came to meet Mr. Bartolucci? A. Well, I had known Mr. Bartolucci quite some time prior to his seeking employment, either through sporting activities -- I knew his background. I knew his friends. I knew his father. It just so happens

that Mr. Bartolucci and I get gas at the same gas station and the attendant at the gas station, who I know real well, told me that Mr. Bartolucci had just closed his tavern. He had three or four children. He was in a position not to be able to collect unemployment by virtue of not paying in because -- well, I don't know about
91 that stuff, but nonetheless, he needed a job real bad and, at that time, again, we needed hands in the union. We couldn't get any people anywhere. At that time, I recommended Mr. Bartolucci, more or less, start in the tenure of his office. He had two and a half years -- he had no background that I knew of in the pipefitting industry, but he worked --

JUDGE NACHMAN: This was in late '68 or early '69?

THE WITNESS: Yes, somewhere around there. And I sought him out to give him a job. He didn't seek me out. I put him to work wherever I could and, as a matter of fact, Mr. Bartolucci very seldom came up to the office. I would more or less contact him when and if there were jobs available.

Q. (By Mr. Zolot) Now, with respect to Mr. DiMella, would you tell us again the background, how you first came in contact with him? A. Mr. DiMella, I didn't know really well. As a matter of fact, I didn't know him at all, but one of the fellows on the job was familiar with Mr. DiMella, gave me his name. This had to be around '68 or '69, maybe, somewhere around that time. His name was brought to my attention. There were no hands available and with that, I put Mr. DiMella to work. As I recall, Mr. DiMella, prior to this incident here, would very seldom come to the office. I would call him up if there was any work available and seek him out to give him a job.

Q. Do you have any animosity against either one of these
92 gentlemen, personally, or otherwise? A. If it were up to

me and the qualifications were different, I'd be the first guy to put them to work and recommend that they be put in the union.

Q. Secondly, there is a letter from the UA concerning an ad put in in August of 1973. Do you recall that? A. Yes, sir.

Q. Do either of the gentlemen have the qualifications of welders? A. No, sir.

Q. Is there still a short supply or is there still a large demand for heli-arc welders in this area? A. Up until the time I left, we were just about holding our own.

Q. Are either one of them qualified for that work?

A. No.

Q. Now, thirdly, you were asked whether or not a referral system was posted in your office, and let me refresh your recollection -- do you recall whether or not a document similar to Section XVI of General Counsel's Exhibit No. 3 is posted on the bulletin board?

A. Yes, but it's in a different way. It's in Spanish and in English.

Q. All right, would you explain to His Honor --

JUDGE NACHMAN: Well, however it is, is it posted?

93 THE WITNESS: Yes.

Q. (By Mr. Zolot) When was it posted? A. That's been there for five, six, seven, eight years, quite a while now. This was -- we had a court case some time ago. It has to be back seven or eight years ago and one of the criteria of that case was that we post on the board evidence of everyone coming in and that we keep that there and it's been there ever since.

Q. And that's the same document -- it contains the same information as appears in the contract with respect to the operation of the referral system? A. Yes.

* * * * *

94 Q. (By Mr. Zolot) You were referred to the referral list and you marked some thirty-odd names as being permit men. How many of these were taken into the union as full members, do you know? In August of 1973? A. I would say, of this group, five.

Q. Were admitted? A. Yes.

Q. Do you know anything about the remaining twenty-odd people? Were they members of other Locals? A. They could be, if they were so marked. They would mark the number of the Local on there, generally. They were either members of other Locals, people who may have quit or didn't come back anymore. We heard no more of them. They may have seeked employment some-
95 where else and lost communication with them and that was it. These people may stop in the office from as far away as Maine, Massachusetts, Vermont or anywhere in the country looking for work, seeking work and, all of a sudden, we would hear from them and then we wouldn't hear from them any more. They'd come in, drop their name and that's it.

Q. Now, at the very back of General Counsel's Exhibit No. 4, there is a page which appears out of sequence in dates. The first item appears 1-73 and then the next item is 10-31-73 and 12-3-73. Do you know anything about that list? A. If I remember this name --

Q. Do you know anything about this list? A. I'd say it's 11-73, just a missing digit.

Q. Now, did you ever tell Mr. DiMella in April or June of 1973 that you had work only for Union men? A. Union men? No.

Q. What was your answer? A. Qualified men.

Q. You did not say Union men only? A. No, sir.

Q. Did you ever tell Mr. DiMella the reason why his application for membership was denied? A. Speaking with reference to the ninety-three people?

Q. No. Mr. DiMella, himself, did you ever tell him why his application for membership was denied? A. Well, I don't
96 know whether his application has been denied. It's on file with the Union.

Q. Did you ever tell him that his application was denied? A. No, sir.

Q. Did you ever threaten Mr. DiMella on any occasion? A. None whatsoever, no, sir.

Q. Did you ever say to him -- question withdrawn. Did you give him the application for membership in the Union? A. Yes, sir.

Q. Did you say anything to him at that time -- "If nothing comes of this, don't go to the law like the welders did?" A. I never made such a statement, no.

Q. Did you tell Mr. DiMella that the referral list was only for qualified people? A. Yes, sir.

Q. Did he ever ask you -- question withdrawn. Did he ever say that he did have the required five years of experience in the trade? A. Well, he reiterated that the two and a half years of rigging would be comparable to that which was acceptable as far as Union standards and I said no.

Q. You told him that? A. I told him no, that's right.

JUDGE NACHMAN: Did he ever tell you, "I have the qualifications you require."

THE WITNESS: No. He said, "I have five years with the two
97 and a half years of rigging," yes, in that light, but not with the straight line issues that we assume is required requirements.

Q. (By Mr. Zolot) Would rigging, per say, qualify him? A. Not two and a half years of the stuff, no. We'd have to go back to the standards that we have an apprenticeship course. We have

approximately anywhere from thirty, forty hours in the apprenticeship course which requires what the average journeyman should know relative to rigging.

Q. Thirty hours out of how many hours in apprenticeship? A. Two thousand hours a year, a ten thousand hour program.

Q. And only thirty hours of that is devoted to rigging? A. Yes.

Q. And that's the reason why he could not get credit for that period of rigging? A. Not two and a half years worth. We may give him three or four months or something like that.

Q. Now did he ever ask you -- "who do I go to now that you said I don't have the qualifications?" A. I didn't discuss that with him.

Q. Did he ever ask you that? That's my question. A. No.

Q. Now let's take Mr. Bartolucci, did he ever ask to be put on the roster? A. No, he never asked me directly.

Q. Did you ever tell him not to go to the National Labor
98 Relations Board? A. No, sir.

Q. Did you ever tell him that only -- that there was work only for Union men? A. No, sir.

Q. Now, in August, were applications for Mr. DiMella and Mr. Bartolucci presented to the membership for action? A. I believe so. I'm almost positive. I can't be sure.

Q. Well, -- A. Either at that meeting or the next one. Either August or September.

Q. And do you remember what happened with respect to those applications? A. They took the usual course.

Q. Well, what is the usual course? A. The usual course is that the applications are turned over to the Executive

Board who scrutinizes that which is put on by the applicant on the application and, if found that the necessary five years is there, or apprenticeship system, or such as required, then that Executive Board recommends back to the body that these people be examined by the respective crafts.

Q. Was there any discussion, do you recall, that these two people were in the same situation as the ninety-one taken in by direction of the International? Do you recall? A. I'm sorry. I don't understand the question.

99 Q. Do you remember a Union meeting at which the applications were considered -- was there any discussion that these two applications should be handled the same way as the ninety-one applicants who were taken in by order of the International? A. Yes.

Q. And would you tell us what that discussion was, to the best of your recollection? A. The two names were brought up -- their applications were read off and someone from the floor said, "Well, he took care of ninety-one applications -- ninety-three applications. I make a motion that we -- that the Business Manager take care of these two applications, too." The President did not entertain that motion and that was denied, but my answer at that time was that I didn't swear the people in the International, that the International people did.

Q. But you passed upon the qualifications? A. No.

Q. Who passed on the ninety-three that were admitted? A. The United Association.

Q. The United Association? A. Accepted the fact that these people had five years predicated on the fact that these people had the experience, the five years experience.

Q. Who examined the applications of the ninety-three to
100 determine whether or not they were qualified? A. No one.

Q. No one? A. No.

Q. You mean you just took the application if the man said he had five years and he was admitted? A. That's right.

Q. Now, were you responsible in any way for the lay-offs of Mr. DiMella and Mr. Bartolucci from Millstone Point? A. No, sir.

Q. Whose decision was that? A. Management.

Q. Do you know whether or not, at the time they were laid off, members from Local 305 were also laid off? A. No, I don't remember.

Q. Now sometime between February and August, both DiMella and Bartolucci went to work. Were you aware of that? A. Yes.

Q. Do you know who put them to work? A. Mr. Quinn.

Q. And do you know on what kind of job? A. I understand from Mr. Quinn he dispatched them as gas distribution helpers.

Q. And what kind of work does that involve? A. Well, the little I know about it, I would say it's more or less second hands

101 work or in other words, the bull work that's involved in the operation of installing pipe in the gas distribution systems, more or less, ditch work and stuff like that.

Q. And at that time, Mr. Quinn was your assistant, is that right? A. Yes.

Q. And did you advise him that that was an improper dispatch? A. No.

Q. There was work available for that type of individual for that type of work? A. That's correct.

Q. And they worked there? A. Yes, sir.

Q. And were you responsible in any way for their being laid off from that job? A. I had nothing to do with that work.

I don't get involved with that work. Mr. Quinn handles gas distribution.

Q. Do you know when that lay-off was? A. You'd have to ask Mr. Quinn the dates of the lay-off. I don't know. As I say, I don't get involved in that.

Q. Has Mr. DiMella given you any evidence of any further experience or qualifications than that which was his application? A. No, sir.

Q. Has Mr. Bartolucci given you any evidence other than that which appeared on his application with respect to his experience
102 in the field? A. No, sir.

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REDIRECT EXAMINATION

Q. (By Mr. Rosemere) Mr. Impellitteri, you said five permit men out of the thirty-two permit men on the list were taken in as members, is that correct? A. Yes.

Q. What categories did those five permit men fall into? A. I would say in this case they were all welders.

Q. Welders? A. Yes.

Q. And this was the group for which you have an imperative need, is that correct? A. Yes, sir.

Q. Do you know who passed on their qualifications? A. I beg your pardon?

Q. Do you know who passed on their qualifications when they were taken into membership? A. Other than I handed the applicants and asked them if they had five years of experience, if they say yes, then they've justified the five years experience, but I do know, again, in some cases, these people have state licenses as well, which is commonly known as a G-8 license, and all that

103 license calls for is a five year background in welding, a minimum of five year background. Most of these welders, let's say ninety-five percent of these welders, as I said before, to be repetitive, had certification papers which, in itself, is a quality that would almost say the man is qualified as far as welding is concerned.

* * * * *

Q. At the time you made the submission of all the applications, were DiMella's application and Bartolucci's application

104 included? A. No, sir.

Q. You did not submit those? A. No, sir.

Q. Is that correct? A. That's correct.

Q. Can you tell us why you did not submit those, but withheld those? A. Because they openly told me that they did not have five years. By giving me their application, they showed me that they had two and a half years of pipefitting experience, approximately, and they did not have five years. I did not ask the question. They told me what they put on the application. So when they showed me that they didn't have five years, then I did not accept their application, which was a directive to me from headquarters -- five years of experience.

Q. And at the time that that happened, did you call that to their attention? A. Yes.

Q. What did you tell them at that time? A. I said, "You don't qualify under the time limits there. You don't have the five years of experience," but I did say this, to make sure, for the record, that I would submit their applications to the Union and if the Union feels as though they want to take you, that's their business. I have nothing to do with that, so with that, they submitted them to the Union.

105 Q. They told you to submit them to the Union? A. That's right.

Q. Did you do that? A. Yes.

Q. They were in there with the other ninety-one? A. No. The other ninety-one were sworn in by the International. The Union had nothing to do with this.

Q. So DiMella's and Bartolucci's were submitted separately to the membership? A. That's right, to the membership. The other ninety-one were not submitted to the membership.

Q. Was that done at a membership meeting? A. Pardon me?

Q. Was that done at a membership meeting? A. Were their applications submitted at a membership meeting?

Q. Yes. A. Yes.

Q. Which membership meeting? A. I've got to say either the August meeting or the September meeting.

* * * * *

110 DANIEL DONOHUE

was called as a witness by and on behalf of General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q. (By Mr. Rosemere) Would you give your full name and address please to the reporter? A. Daniel Donohue, Route 1, Box 37D, Long Cove Road, Gales Ferry, Connecticut.

Q. What's your occupation, Mr. Donohue? A. Steamfitter.

111 Q. How long have you been a steamfitter? A. Since about 1936, I started in the business.

Q. Are you a member of a union? A. Yes, sir.

Q. What union? A. Local 305, New London, Connecticut.

Q. How long have you been a member of Local 305?

A. Since about '52 or '53.

Q. 1952? A. And previous to that, I was in Norwich from 1943.

Q. A Norwich Local? A. Yes, 267.

Q. Of the same United Association? A. Yes, sir.

Q. Have you held any office in Local 305? A. I was President and I've been a member of the Executive Board two or three times.

Q. How long were you President? A. Two years, I think it was, in those days. Now I think it's three.

Q. You say you were on the Executive Board? A. Yes, sir.

Q. How long were you on the Executive Board? A. Three years.

Q. What is the function of the Executive Board?

112 A. It handles the duties that the chair turns over or one of the officers turns over for the function of the Executive Board to perform.

JUDGE NACHMAN: Is that like a Board of Directors of a company or corporation?

THE WITNESS: Yes, sir, identical.

Q. (By Mr. Rosemere) Were you a member of any other board in that Local? A. Yes, sir, the Hiring Hall Committee.

Q. Hiring Hall Committee? A. And the examining board.

Q. And the examining board? A. Yes, sir.

JUDGE NACHMAN: Are you a member of that committee now?

THE WITNESS: No, sir, not the last two years, but previous to that, I had been, I think it was at least ten years.

Q. (By Mr. Rosemere) When did you leave the Hiring Committee? Approximately what year? A. Two or three years ago.

Q. And you were on the examining board, you say? A. Yes, sir.

Q. How long were you on the examining board? A. Ten or twelve years.

Q. What's the function of the examining board? A. When a person comes up with qualifications for a steamfitter, we examine
113 them to see if he's qualified and competent in his business.

JUDGE NACHMAN: You mean if a man comes in who claims to be competent, you examine him to see if he is?

THE WITNESS: Yes. He comes through with an application to the President or to the Business Agent or some contractor would say, "We have such and such," and he wants to give him a test so that they come up to us.

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125 CROSS EXAMINATION

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127 Q. (By Mr. Zolot) Now before you get to examine a man, does that person have to show that he meets the qualifications required for union membership? A. Yes, sir.

Q. And is one of the qualifications for full membership that you have five years of practical experience in the trade? A. Yes, sir.

Q. Would you examine a person who does not have five years experience in the trade? A. I think we did once.

Q. When was that? A. I'd say four or five years ago.

Q. Was that the only one you remember? A. Yes, sir, because he was forced in.

Q. He was part of a minority group, wasn't he? A. No, sir.

Q. When you say he was forced in, what do you mean? A. The same way they shoved these ninety-three down our throats.

128 Q. Would you explain what you mean, Mr. Donohue, because the Judge and I don't have the knowledge. A. Well, headquarters took it upon themselves --

JUDGE NACHMAN: "Headquarters?" You mean the International?

THE WITNESS: Yes, the International took it upon themselves to say that we had to accept so many of a minority group and they all happened to be welders. They didn't come before the examining board because headquarters said we had to take them in, so many of them.

JUDGE NACHMAN: Good, bad or indifferent, you had to take them?

THE WITNESS: Yes. Now, under the circumstance, too, they were talking about this hiring hall committee that you brought up, we didn't function, again, because we weren't asked to and when we were, it was part of the agreement and I can't see why these ninety-three didn't come up before us the same way these other people did.

Q. (By Mr. Zolot) Mr. Donohue, let's go back to the one guy you said was forced in. What I'm trying to do is find out who was that individual, if you remember. Was he part of that group of ninety-three welders? A. No, sir.

Q. And you also talked about the ninety-three people taken in. I take it that you feel, as an individual and not as an officer of
129 the Local -- A. I'm not an officer, sir.

Q. You're not an officer, is that correct? A. Right.

Q. And you do know that the qualifications for membership is five years of practical experience or completion of an apprenticeship, isn't that right? A. Yes, but there are several people who have gotten in with a credit --

Q. Your answer is yes, right?

JUDGE NACHMAN: The witness is entitled to explain his answer.

THE WITNESS: That's right, Your Honor.

MR. ZOLOT: That's for cross examination.

THE WITNESS: He has double standards --

JUDGE NACHMAN: Just a minute. He answered the question yes. He's entitled to make an explanation if he chooses to do so. Do you care to make an explanation?

THE WITNESS: Just a little one. We have double standards. If the standards bear the power of somebody from headquarters throwing them at you, you've got them, so he gets in the union. If somebody that's qualified, you can't tell whether they're qualified until you given them an examination. Now a lot of those ninety-three people that came in weren't qualified and they haven't got the qualifications, but still they are members and these people that are qualified
130 and they haven't been given the decency to have a test, so consequently, they're bums like the rest of us.

Q. (By Mr. Zolot) Are you finished, Mr. Donohue?
A. Yes.

Q. Now, do you know of your own personal knowledge whether the ninety-three all had or claim to have had five years of Practical

experience as journeymen within the trade? A. I know of at least three --

Q. Do you want to listen to my question?

JUDGE NACHMAN: He may be answering your question.

THE WITNESS: Yes, I was answering it, Judge.

JUDGE NACHMAN: Go ahead.

THE WITNESS: I have to qualify everything --

Q. (By Mr. Zolot) Remember what I asked you. I asked you whether or not you know of any of the ninety-three who did not claim that they had five years of experience as a practical journeyman in the trade? A. I know of some that didn't.

Q. That's not responsive to my question. I move it be stricken.

JUDGE NACHMAN: That is responsive.

MR. ZOLOT: I said who claimed --

JUDGE NACHMAN: The question was -- do you know of any one who claimed to have five years experience -- do you know of anyone who did not have five years of experience --

131 MR. ZOLOT: I didn't ask that question. I said, -- do you know anybody who did not claim that they had five years of experience?

JUDGE NACHMAN: All right.

THE WITNESS: I'll have to qualify that --

JUDGE NACHMAN: The question is -- do you know anyone who did not claim to have five years experience?

THE WITNESS: Yes. There's people who don't have it, Your Honor, but they said they have it, and until it's investigated by headquarters, we can't find out whether it's true or untrue.

JUDGE NACHMAN: Well, the question is -- you don't know whether it's true or untrue?

THE WITNESS: I'd say it's true because I know one of them.

Q. (By Mr. Zolot) So it's fair to say, Mr. Donohue, that everyone of them claimed that they had five years. You don't believe some of them, is that a correct statement? A. Yes, sir.

JUDGE NACHMAN: All right.

Q. (By Mr. Zolot) But as far as DiMella and Bartolucci are concerned, they don't claim to have five years of experience to your knowledge, do they? A. Yes, sir.

Q. They do claim? A. The background, as spread out
132 on their application, spells out where they worked.

Q. Do you know that they are claiming they have five years practical experience as practical journeymen in the trade?
A. From their being on the outside, yes. Like probably three-quarters of -- Your Honor, can I say something?

JUDGE NACHMAN: Just answer his question. Do you know whether these two men --

Q. (By Mr. Zolot) If you don't understand my question, please let me know. A. Well, I can answer a question if you give it to me straight from the shoulder in layman's language.

Q. I'll ask it as plainly as I can. Did you look at the applications of Bartolucci and DiMella at any time? A. No.

Q. You don't know what it said? A. Yes, sir. I know what they told me it said, but I didn't see them.

Q. So you don't know what it said? A. No, sir.

Q. Do you know whether DiMella has worked five years actively in this area as a plumber, steamfitter or welder?
A. With his duties at the EB --

Q. I didn't ask you -- A. Well, that's how --

Q. I said in the building trades --

133 THE WITNESS: Your Honor, can I interject to clarify something?

JUDGE NACHMAN: You can answer the question that he's asking. Don't volunteer --

MR. ZOLOT: Excuse me. Let me withdraw the question.

Q. (By Mr. Zolot) Mr. Donohue, do you know what the building trades industry is? A. Yes, sir.

Q. Does that include EB, Electric Boat? A. No, sir, but headquarters claims that if you've got five years at the EB and you've got two or three years on the outside, they allow you to come in to this organization of the building trades.

Q. You're talking about the ninety-three? A. No, sir. I'm talking about people -- I would say our Local is composed primarily, probably three-quarters of our Local at one time or another worked at the Electric Board, but they forget that when they become a member and they don't want anybody else with any qualifications.

Q. Did you work at Electric Boat? A. Yes, sir.

Q. Did you work five years -- A. I worked twelve years. I worked there three years before that.

134 Q. So you were qualified to be a member? A. Yes, sir. And I've been fired and run down the street and everything else. Anything you want to dredge up, it's there in my record.

Q. Well, we're not interested in that. We're trying to find out something about your belief -- A. My belief is very honest.

Q. No question about that Mr. Donohue. We're not questioning that either, but you agree that Electric Boat is not in the building and construction field? A. I would say that their background, if they've had it in the pipe shop or doing the jobs that the men do over there, that they would be qualified after they've been on the outside two or three years.

Q. I didn't ask you what you thought. I asked you whether you believe Electric Boat is part of the construction industry?
A. I told you that.

Q. Okay. Is experience as a mechanic in a garage where you are welding experience in the building and construction --
A. Let me say this -- there are four or five members of our organization who started out as welders in a garage.

Q. Is that experience in the building and construction field?
A. No, sir, but it's part of it. If you strike an arc and you know how to carry that arc and you're qualified to burn a specific type of metal to weld something together, then you're qualified.

135 Q. Well, you can weld to various specifications, can't you?

JUDGE NACHMAN: I think you're arguing with the witness now counsel. We're not getting anywhere.

Q. (By Mr. Zolot) Now, Mr. Donohue, with respect to the ninety-three, you feel very strongly about them, don't you?
A. Yes, sir.

Q. And as a matter of fact, you're part of a group that has asked the International to reconsider its action? A. Yes, sir.

Q. And as part of your claim, you're saying that some of the ninety-three don't qualify? A. Yes, sir.

Q. Under any circumstances, would either of the two gentlemen have the required five years of experience -- A. In my humble opinion, they would waltz in if they had the chance to take the examination and that's all I think they should be given.

Q. And I think you also said, as a member of the examining committee, they're not allowed to take the exam until they have five years of experience. A. I didn't say that. You said that.

Q. Isn't that the requirement? A. If everybody had five years in the building and construction, counsellor, in the building

and construction business, there wouldn't be any members -- I
136 just came from the building and constructions -- half the membership of 305 wouldn't be working as plumbers and steamfitters right now because when times get tough, they all run over there and they'll be running over there again by the looks of things.

Q. When you talk about "over there," what do you mean?
A. EB.

JUDGE NACHMAN: Electric boat?

THE WITNESS: Yes, sir.

Q. (By Mr. Zolot) Can you tell whether a man is a qualified steamfitter or plumber from four days of watching him rigging?
A. No, I qualified that by saying -- give him a test and then we'll find out.

Q. And the same thing -- by the way, were you DiMella's foreman? A. No, sir.

Q. So he wasn't under your direct supervision? A. No, sir, but I was right there with him. If I had eight or ten men there, he was part of the eight or ten men.

Q. I asked you if you were his foreman and you said no.
A. No, sir.

Q. And can you tell from a guy's working for six months whether he meets the qualifications for the trade as a journeyman?
A. I would say that if he had an opportunity to take a test, that he would be qualified.

137 Q. Is your answer no or yes? A. Yes.

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144 The Council Chamber,
City Hall,
181 State Street,
New London, Connecticut,
Tuesday, December 4, 1973.

* * * * *

147 ANTHONY POLCARO, SR.

was called as a witness by and on behalf of General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q. (By Mr. Rosemere) Mr. Polcaro, would you give your full name and address, please, to the reporter? A. Anthony Polcaro, 24 Laurel Hill Drive, South, Niantik, Connecticut.

Q. What is your occupation, Mr. Polcaro? A. Steamfitter.

Q. How long have you been a steamfitter? A. About thirty-two years.

Q. Are you a member of a union? A. Local 305.

Q. How long have you been a member? A. Since 1940.

148 Q. Do you hold any office at present in the Local? A. I'm Vice-President.

Q. How long have you been Vice-President? A. Twenty years.

Q. For the past twenty years? A. Off and on. A couple of times I was -- I didn't do it.

Q. Let me ask you this, the last term, how long have you been in office measured from your last appointment? A. From now you mean?

Q. Yes.

JUDGE NACHMAN: How far have you been Vice-President going backwards, without a break?

THE WITNESS: Without a break? Maybe ten years.

Q. (By Mr. Rosemere) Do you hold any other office in the union? A. Well, the vice-president's office also carries the the chairmanship of the executive board.

Q. Hold any other post or any other office? A. No.

Q. Have you held any other post in the past? A. Yes.

Q. What? A. I was chairman of the examining board. I was representing the union chairman of the hiring hall committee.

Q. When were you chairman of the examining board? A. The examining board? Maybe going back six years ago.

149

Q. About six years ago? A. Something like that.

Q. For about how long? A. Twenty-two or twenty-five years, something like that.

Q. For twenty-two years you were on the examining board? A. Yes, maybe more, who knows.

Q. Do you know Mr. DiMella and Mr. Bartolucci who are here today? A. Yes, sir.

Q. Did you ever work with them? A. Not with them. They worked for me.

Q. They worked for you? What was your capacity at the time? A. I was general piping foreman for the Ebasco and Bechtel.

Q. They both worked for you at the same time? A. Yes.

Q. When was that? A. When?

Q. Yes. A. Between 1968 and '69, something like that.

Q. For how long? A. I imagine, on and off, for maybe two years.

Q. Now during that time, did you have an opportunity to observe their work on the job? A. Frankly, with three hundred and fifty men on the job or four hundred pipefitting or steamfitters,

150

I don't have the opportunity to observe every man that is working.

My job was to observe every man that is working. My job was to observe -- I had about thirty foremen on the job and probably three or four area foremen, which were above the foremen, and my job was to lay out the work for these foremen and see that the work was carried out.

JUDGE NACHMAN: Did you assign these two men to their work?

THE WITNESS: No. I assigned -- these men were dispatched to me on the job. I assigned them to the crews that needed help.

JUDGE NACHMAN: But you didn't actually tell these two men just what to do on a given occasion?

THE WITNESS: Orders? No. It's not my job to go out in the field and do that.

JUDGE NACHMAN: You give your orders to the foremen under you?

THE WITNESS: Yes.

JUDGE NACHMAN: And you look to them to carry out the work?

THE WITNESS: Yes.

JUDGE NACHMAN: Do you have anything to do with seeing that what they turn out is done properly?

THE WITNESS: You mean the rank and file?

JUDGE NACHMAN: The job, the job is done properly?

THE WITNESS: I lay out the work to the foremen. I hold the foremen responsible. If the job ain't done, that's the man I go after.

151 JUDGE NACHMAN: Maybe I don't make myself clear. Do you make your assignment to the foremen and expect them to carry it out?

THE WITNESS: Yes.

JUDGE NACHMAN: Do you ever go through the job to see that the job is being done right?

THE WITNESS: Yes, I've walked through it, yes.

JUDGE NACHMAN: On the jobs that these two men worked, did you ever observe any improper work?

THE WITNESS: It's hard to say because when I walk through a building, I look to see how much pipe is up and if a certain system is done and then, when the foremen report back to me, I will say this much for the two men involved -- they're very good workers and the reports that I got back from their foremen were favorable. Never did I get an unfavorable report.

JUDGE NACHMAN: Well, in what capacity did these two men work on your crews?

THE WITNESS: When I assign the men out to the field, I leave it up to the foreman in the field to use his men the best way he can or sees fit. I don't get involved with the foremen in the field. That's not my job.

JUDGE NACHMAN: So you don't know whether he's assigned them as a pipefitter -- he may have them standing around, as far as you're concerned?

THE WITNESS: Right. He uses them where he needs them.

152 Q. (By Mr. Rosemere) I take it then, Mr. Polcaro, that you did not have an opportunity at any time when they were under your supervision to observe their work? A. Like I said before, it's hard to go out and just pick an individual out and just stand there and watch him, unless I got a report in from the foreman that the man was not doing his job. Then I would go out and I'd check around and see if that's so.

JUDGE NACHMAN: You never got such a report with respect to these two individuals?

THE WITNESS: I got favorable reports on their work.

Q. (By Mr. Rosemere) Did you have anything to do with their hire originally, Mr. Polcaro? A. Hiring?

Q. Yes. A. They were hired through the Business Agent in the office.

JUDGE NACHMAN: Who does that? You?

THE WITNESS: No. If I need men, I will call the office or call the Business Agent, Business Manager, and tell him I need so many men, say I need ten fitters or six welders. It's up to him to furnish us with the people we need.

JUDGE NACHMAN: When those people report to the job, they report to you?

THE WITNESS: They report to the shop steward who, in turn, will bring them into my office and I, in turn, will have the foremen
153 there who need the men or I'll dispatch them to different crews.

JUDGE NACHMAN: Do you make any effort to determine whether the men are qualified or not?

THE WITNESS: It's not up to me to do that.

JUDGE NACHMAN: You don't do that?

THE WITNESS: I'm there to do a job and get the work done.

JUDGE NACHMAN: You assume that if a business agent sent them, they are qualified?

THE WITNESS: Right.

Q. (By Mr. Rosemere) Were you, at any time, in a position on the job or elsewhere, Mr. Polcaro, to appraise the qualifications of these men for pipefitting work? A. I've gone occasionally and worked on -- like they were rigging some heavy pipe. I was standing there and I looked and if I see something I don't like, then I'll speak up. If I'm satisfied -- of course, they're working in crews now. You've got crews of maybe -- some crews have fifteen men, some crews have eight men. Everybody works together because it's heavy

work and you just look at the job and make sure it's rigged right or if they're doing a soldering job or a welding job, take a glance at it. If you see anything wrong, you call the foreman over and you lay the law down to him. He's the man responsible.

JUDGE NACHMAN: Did you ever see anything, any work done by any of the crews on which these two men worked that caused

154 you to raise any question about it?

THE WITNESS: No. No, sir.

Q. (By Mr. Rosemere) In your supervision on any of these construction jobs, Mr. Polcaro, do they sometimes have what is known as a rigging crew? A. Yes.

Q. Is that common in the trade, to have a rigging crew? A. No, not all the time. It depends on what kind of job you are doing. You get these atomic power house jobs and you have to have rigging crews. You have bull gangs where they just go out in the field and lay pipe right on the truck --

Q. Does it depend on the size of the job or the type of pipe that's being used on the job? A. Well, you take a power house job where you have to have a bull gang. You have a rigging crew and you take any ordinary job and you don't really need them. The steamfitters should know how to rig. It's part of their trade.

JUDGE NACHMAN: On the Ebasco and the other job --

THE WITNESS: Bechtel.

JUDGE NACHMAN: Bechtel job, your crews were men who did all kind of work that you would expect of a plumber or a steamfitter?

THE WITNESS: Right. A steamfitter has to be an all around man. He should know every phase of his trade.

JUDGE NACHMAN: And that's true of a plumber?

155 THE WITNESS: Same thing with a plumber, yes.

JUDGE NACHMAN: So these men were assigned on these particular crews that they worked and they were expected to do anything that had to be done by that crew?

THE WITNESS: I'd say so. Whatever the foreman assigned them to do.

JUDGE NACHMAN: And he might assign them to anything that was required on the job?

THE WITNESS: Possibly.

Q. (By Mr. Rosemere) Well, I take it then, from what you say, that on some jobs, there may be rigging crews, is that correct? A. Yes, on these big jobs.

JUDGE NACHMAN: By that you mean a crew who does nothing but rigging?

THE WITNESS: Nothing but rigging. Usually you'll put a foreman there who knows rigging and he'll take care of what's got to be done.

Q. (By Mr. Rosemere) And how are these men who make up the rigging crews classified? A. What do you mean?

Q. What do you call them? Do you call them pipefitters or steamfitters or what do you call them? A. I don't call them anything. I just call them men. When they come on the job -- I

156 ask for twenty men and they give me twenty men and I put them on the job as men.

Q. Are they hired out of 305? These men who make up the rigging crews, are they hired out of Local 305? A. Yes, through the Business Agent.

Q. And do you know at what rate they are paid? A. They're paid the regular journeyman's rate.

Q. When you say journeyman's rate, you mean journeyman what? A. Journeyman pipefitter or steamfitter or burner or whatever it is in the craft.

JUDGE NACHMAN: Suppose you have a rigging crew who does nothing but rigging and you also have a plumbers crew, regular plumbers and you also have journeymen steamfitters, would they be paid at different rates of pay or the same?

THE WITNESS: The rate is the same for steamfitters, plumbers, burners, pipefitters, whatever. It's an established rate.

Q. (By Mr. Rosemere) Now drawing on your experience as a member of the examining board, is pipe rigging experience considered qualifying experience -- A. For a steamfitter?

Q. For a steamfitter? A. No, sir.

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158 JUDGE NACHMAN: If a man came in and he's had some experience in rigging, two, three, four, five years, whatever you want to call it, would that be qualifying experience for a welder?

THE WITNESS: No. He has to know how to weld.

JUDGE NACHMAN: Well, he may be the best rigger in the world and that doesn't make him a welder and vice-versa?

THE WITNESS: It doesn't make him a steamfitter, either.

Q. (By Mr. Rosemere) But the question, once again, Mr. Polcaro, you have a man who has considered experience -- could be a year, two years -- on pipe rigging, now this man is making an application for membership, do you assign any measure of importance to his pipe rigging experience? A. Rigging?

Q. Does it count at all towards his application for membership in the Local? A. Not too much, because steamfitting covers -- it's a big field. It covers refrigeration, a lot of high pressure

steam, low pressure steam, hot water -- I could go on for half an hour on questions pertaining to steam pipe, water, hydraulics, anything like that. I mean, rigging is part of the trade --

Q. It's part of the trade? A. It is part of the trade. It's a small item that a steamfitter, in case he has to rig some-
159 thing, should know how to do it, but steamfitting, itself, is a big field.

Q. Well, is it fair for me to say that this is a responsible part of the trade? A. No, I wouldn't say that because if I sent somebody across the street here or down in this building here to find out what is wrong with the oil burner down there or the steam generator, why it ain't working down there, you don't need a qualified rigger to do that. You have to have a steamfitter.

Q. I don't dispute that, Mr. Polcaro, but I understand that on some jobs, rigging is a necessary daily part of the work, is that so? A. Yes, I agree, on power house jobs, yes.

Q. I would imagine that some of the sections of pipes weigh up into maybe fractions of a ton or half a ton -- A. Some even greater than that.

Q. And you probably have huge valves for that matter, too? These have to be properly handled and elevated, do they not? A. Right.

Q. And you have to have somebody -- you wouldn't put an unskilled man on the job of elevating some of these sections, would you? A. Correct.

Q. It would be dangerous, wouldn't it? A. Yes.

160 Q. Isn't there a big risk factor here? A. Yes.

Q. And don't the riggers have to work -- the pipe riggers have to work along with welders in order to line up the pipe for the welder? A. Well, we don't call them --

JUDGE NACHMAN: Mr. Rosemere, this is your witness.

MR. ROSEMERE: Maybe I'm being carried away in my zeal to move this hearing along. Excuse me. It's not my intention to -- I assume this man, with his vast experience in the business, is not going to let me put words in his mouth anyway.

JUDGE NACHMAN: We have certain rules we have to comply with.

MR. ROSEMERE: I understand.

Q. (By Mr. Rosemere) Is it safe for me to say, Mr. Polcaro, that rigging is a responsible part of the pipefitting operation?
A. It's part of the trade, like welding, lead burning and everything.

JUDGE NACHMAN: If I understand you, what you're saying is that to be a welder, you have to know how to rig; but knowing how to rig doesn't make you a welder?

THE WITNESS: That's right.

* * * * *

164 CROSS EXAMINATION

Q. (By Mr. Zolot) Mr. Polcaro, let's start first -- you were a member of the Joint Hiring Committee? A. Yes.

Q. And for how long a period were you a member of the Joint Hiring Committee? A. Since we adopted -- 1950 -- I think we adopted the hiring hall provision --

Q. Yes? A. Since then. Since it was formed.

Q. And can you tell us who the employer members of the committee are? A. At that time, it was Ben Jones, Albert Philapino and Ed Ballenger, who is out of business now.

Q. Will you identify the companies each of the three gentlemen are associated with? A. Albert Philapino -- he was chairman for the Contractor's representative, Philapino Plumbing and Heating

and Ben Jones was from Groton Piping and Eddy Ballenger was from T. G. Mollin.

Q. Now, did you have people appear before you? A. Yes.

Q. To determine whether or not they were qualified to go on
165 the hiring list as qualified journeymen? A. Yes.

Q. Even though they were not members of your union? A. Yes.

Q. And do you recall any particular people at this time who so appeared? A. Yes. We had, off-hand, I can't remember all their names. You want names?

Q. Yes. A. We had one fellow not in the union -- Predwall, Paul Roisse and some of them didn't show up or they didn't come back.

Q. But they did apply and you did qualify them? A. Yes, but they never came back.

Q. Now who is currently a member of the Joint Hiring Committee? A. Who is currently?

JUDGE NACHMAN: If you know.

THE WITNESS: I am

Q. (By Mr. Zolot) You're still a member of the Joint Hiring Committee? A. Yes. Three years back, the body gave this power to the Executive Board.

Q. And have you had any applications for review of standing as to qualifications from any person in the last three years? A. We've had quite a few apprentices.

166 Q. Any as journeymen? A. I can't think of any off-hand. I don't know at this point.

JUDGE NACHMAN: You can think of none in the past few years?

THE WITNESS: We have processed hundreds of apprentices during that time.

JUDGE NACHMAN: But you can think of no journeymen?

THE WITNESS: Not off-hand.

Q. (By Mr. Zolot) Now you are a member of the examining board also? A. I was, but not now.

Q. When did you stop serving on that committee?

A. About six years ago.

Q. During the time that you were a member of the examining committee, was any person taken into membership without passing the examination given by your committee? A. Would you repeat that?

Q. I said, during the time that you were a member of the examining committee, were any applicants taken into membership without taking an examination first? A. When I was on the examining board, they had to take an examination.

Q. And as the Vice-President, do you have knowledge as to whether or not, other than the ninety-two that were taken in in August, any person was admitted into membership without taking a qualifying examination? A. Outside of the ninety-three, to

167 my knowledge, -- I processed a lot of applications. Every member that's come in has gone through the examining board. We recommend --

Q. They take an examination? A. Right.

JUDGE NACHMAN: You know of no exception to that, other than these ninety-three?

THE WITNESS: Just the ninety-three.

Q. (By Mr. Zolot) Now, you were asked questions concerning rigging. First of all, you talked about a rigging crew. Is that crew made up of steamfitters? A. Yes.

Q. And rigging is part of the general trade requirement, is it not? A. Yes.

Q. And it's a small part of the craft? A. Yes.

Q. And the rigging work on the power house, you say, on occasion is assigned to a special crew? A. Yes.

Q. Now, how long would such a crew operate on a power house? A. Ninety percent of the time because when you're rigging, heavy work is done to span it.

168 Q. Well, does it take three weeks, four weeks -- A. No. Sometimes they'll stay the whole length of the job. There is always some rigging to do.

Q. And you always keep riggers on that or do you keep moving around people into the rigging work? A. It depends. Sometimes we leave them there. It all depends -- I don't bother with the crews. I assign them to the foreman. As long as they get the job done, I don't care how they do it, where they put the men, if they put them on the roof.

Q. And have you, on occasion, asked the union for men and told that they were not qualified -- told that there were not qualified men available? A. You mean have I ever asked the union and been told there's no qualified men?

Q. Yes. A. I can't remember any.

Q. Well, for example, on this job when people like Bartolucci and DiMella came by, did you call or did Mr. Genes call? A. I have -- I wasn't on that job with Genes. I was on the original Ebasco job.

Q. Did you talk to the union when Bartolucci was hired? A. No. I just asked for men and the business agent would send them down. I never knew Bart until I met him on that job when he first came there.

169 JUDGE NACHMAN: Mr. Bartolucci was one of those who reported pursuant to your request?

THE WITNESS: He reported on that job?

Q. (By Mr. Zolot) And at that time you knew there was a shortage of steamfitters in the area, qualified steamfitters?

A. I didn't know whether there was a shortage or not. Like I said before, when we needed men, we'd call up the office and it was up to the business agent. He probably knew whether there was a shortage or not, but it was up to him to furnish the men to us.

Q. And when he furnished the men, you didn't check to see what their qualifications were or what they could do or could not do?

A. No. You don't examine them on the job. You figure they're mechanics and you put them to work, whatever they're supposed to be.

Q. And you didn't care -- as far as you were concerned, as long as they did the job under the direction of the foremen?

A. Right.

Q. Now you talked about a bull gang. What is a bull gang?

A. A bull gang -- when pipe comes in on a big job, they usually stockpile it out in the field and you have to separate it. You have got probably fifty to seventy systems on a power house and what I did out there, I had -- we marked off different systems and I had different men -- each piece of pipe and valve is marked. They

170 had a crane out there or some kind of a forklift or cherry picker and they would move the stuff. There would be a foreman there with them and he'd have a set of Prints or a schedule I gave him with different numbers and he'd put the right numbers in the right locations and then when the foremen inside the buildings needed certain pieces of pipe or valves, they would take their list out to this foreman and tell him, "this is what I want." The bull gang picks it up, puts it on the truck and brings it into the building.

Q. So they do the bull work on the job of carrying the pipe onto the job? No skills required there whatsoever?
A. Not a hell of a lot.

Q. And you could use anybody who had a strong back --
A. And a weak mind.

Q. Well, I won't say weak mind. Just a strong back. Do you know whether Bartolucci and DiMella were employed on the bull gangs on your job? A. Were they?

Q. Yes. A. I don't remember.

Q. Do you know whether they were employed on the rigging jobs? A. I remember DiMella was working with the rigging crew.

Q. How about Bartolucci? Did you ever see him on the rigging crew? A. I don't remember.

171 JUDGE NACHMAN: Well, what did they do?

THE WITNESS: What do you mean?

JUDGE NACHMAN: What work did these two men do?

THE WITNESS: Like I said before, I assigned them to a crew and it's up to the foreman. As far as I'm concerned, the foreman got the work done and I was satisfied.

JUDGE NACHMAN: Well, what was the function of that crew? What was their assignment?

THE WITNESS: Some crews were putting up pipe. Some crews were putting up hangers --

JUDGE NACHMAN: Well, the crews that you assigned these men to, what were they doing?

THE WITNESS: I just remember DiMella working on the rigging crew.

JUDGE NACHMAN: Now how about Mr. Bartolucci?

THE WITNESS: I don't remember what crew he worked on. I've seen him occasionally on the job, but I really can't pinpoint what foreman he worked for or what.

Q. (By Mr. Zolot) Within a crew assignment, is there bull work, too? A. With a crew? Yes.

Q. So that you could have a crew doing rigging work where some of the people would do nothing but lug pipe? A. Let me put it to you this way -- when we first start, ninety percent of your

172 work is all bull work when you're putting up heavy hangers, heavy pipe --

Q. By "bull work," am I correct, you mean taking the material by hand or by mechanical means -- A. Hang a chain from the wall and you have to --

Q. Take the chain and pull it up? A. You have to use your arms or use your shoulder.

Q. Right. And whether it's a rigging crew or a fitting crew, there's a lot of bull work connected with it? A. Right.

Q. And this type of work is very prevalent in a power house job? A. Right.

Q. Have you worked on non-power house jobs? A. Yes.

Q. Let's say a heating system for a building of this kind? A. Yes.

Q. Is there any rigging work involved there? A. No.

Q. How about on a sewer system, is there any rigging work involved there? A. No.

Q. Let's take a hotel that went up, is there any rigging work in a hotel? A. You might have a little bull work, maybe, to pick up a four inch valve or an eight inch valve where you get a

173 couple of guys to hold it up, or you might have a piece of equipment like for the Mohican, like you have to bring some pretty

good sized pumps to circulate if you have hot water or steam pumps and that's about it.

Q. And that rigging, would that be done by the operating engineer putting it in place, rather than by -- A. If you need a crane, you'd usually use a crane if you can get one. If you haven't, you just put it on a couple of rolls and roll it.

Q. When you talk about rigging work, that's done also, is it not, by teamsters who bring in material, put it in place? A. Not all material.

Q. Operating engineers lift material into place under your direction? A. Under my direction, yes.

Q. And that's also part of the rigging work? A. Yes.

Q. On a refrigeration system, have you ever worked on any of those? A. Yes.

Q. Any rigging involved in that? A. No.

Q. Water cooling systems? A. No, sir.

Q. And in terms of the over-all nature of the work of a
174 pipefitter, how much time would you say generally is involved in rigging work? A. You mean a pipefitter or a steamfitter?

Q. Pipefitter. Let's take a pipefitter first? A. Most of your pipefitters are welders. They don't have too much rigging.

Q. Now, on steamfitters, how much time, generally, would you consider part of their job involves rigging? A. It depends on what the job is. You can go on a steamfitting job where you might get no rigging at all, just maybe picking up a piece of pipe and putting it on a hanger.

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177 Q. (By Mr. Zolot) Is it also fair to say that, basically, you've been doing power house jobs in the area? A. Yes.

Q. And on the power house jobs, there's a lot of unskilled work, is there not, bull work? A. Yes.

Q. Where you can use any number of hands you can get? A. Right.

Q. And is time of the essence in a power house job? A. Time?

178 Q. Yes. A. Yes, you have certain limitations. You have to, you know -- you've got to schedule. You've got to keep plugging.

Q. And in order to keep your schedule, do you try to get as many hands as you can on the job? A. Right.

Q. And in that connection, would you take anybody you could get to do any type of work? A. There's been times when, you know, you have to scratch, and take anything you can get.

MR. ZOLOT: All right. That's all I have. Thank you.

REDIRECT EXAMINATION

Q. (By Mr. Rosemere) Mr. Polcaro, how long have you been a general foreman? How many years? A. It goes back to maybe 1960.

Q. 1960? So for at least thirteen years? A. Yes. On and off. Maybe more.

Q. You've been general foreman, I take it, not for the same company but different companies? A. Different concerns, yes.

Q. And as general foreman, are you concerned about productivity on the job? A. Yes.

Q. And you are concerned, then, about the type of men who

179 are sent out to you, is that correct? A. It depends on what kind of a job I'm doing.

Q. Well, I take it that the job is an expense to the contractor and you have to control those expenses, isn't that so? A. Would you repeat that?

Q. I take it that the contractor is interested in controlling his costs on the job? A. Right.

Q. And doesn't he look to you to have some control over those costs? A. Yes.

Q. So you have competent men on the job. It's likely that you're going to be in a better position to control the costs, is that correct? A. It depends on what you're doing.

Q. You mean there are some jobs when you can be indifferent to the costs? A. No. Some jobs, you don't have to put the best men on it. Certain jobs you can put anybody on just to help -- just to get the job running, you know what I mean.

Q. Well, is it fair to say that on every job, you are concerned with costs? A. Naturally.

Q. So to that extent, you are interested in having capable men, is that so? A. Yes.

180 Q. And you make it your business to find out whether the men on the job, for your employer, are competent? A. For the particular work we're going to do, yes.

Q. So do you assume that when men are sent out from the hall in response to your request, that they are qualified? A. When they come to me?

Q. Yes. A. I'd say so.

Q. Do you follow up to see whether they are, in fact, qualified? A. What I used to do is when the men come on the job, I try to put them where they're best suited with the foremen. Some foremen get different types of work. Like certain work you can do on a turbin and there's certain people you don't put on a turbin.

JUDGE NACHMAN: Well, how do you know who you can put on that job if you don't know the man's qualifications?

THE WITNESS: Sometimes you see a man come in and he's green and you know he's green --

JUDGE NACHMAN: Well, how do you know that unless you talk to him and find it out?

THE WITNESS: You can tell.

JUDGE NACHMAN: You talk to him to find out, don't you?

THE WITNESS: Ninety percent of the people, you know everybody around there. Like I know everybody in this area practically
181 right now. They've been working for me on and off, maybe for the past fifteen years or so.

JUDGE NACHMAN: But if a new man comes in who you haven't known before --

THE WITNESS: Well, you put men on the job with the foreman. You give them a man and then that man will report back to you --

JUDGE NACHMAN: Just take my question now -- I am a new man. I've never worked for you before and I report to the job. Don't you talk to me first to find out where I'd be best suited?

THE WITNESS: No. I'd turn you over to a gang foreman and the foreman will watch you and see what you're best suited for and that's where he'll put you. If he don't think you're qualified for a certain job, he'll come back and tell me.

JUDGE NACHMAN: And then you look into it to see whether he's qualified?

THE WITNESS: I'll probably transfer him to something else, a bull gang or anything.

JUDGE NACHMAN: If he shows you he can't do anything, you will fire him or lay him off?

THE WITNESS: Well, there's very few people who can't do anything. There's always something somebody can do. I hate to fire people.

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185 Q. (By Mr. Rosemere) I would imagine a job that has maybe small sized pipe is not going to require the rigging that maybe a power house job requires, is that correct? A. Yes.

Q. So what percentage of rigging, would you say, is performed on, say, a large power house job? A. A large power house job? Let me put it to you this way -- in a power house, to use my term, you get three-quarters through it, I'd say about seventy-five percent of it is all bull work.

JUDGE NACHMAN: Until you get three-quarters through it?

THE WITNESS: Until you get about seventy-five percent, it's all bull work, pushing and pulling.

Q. (By Mr. Rosemere) Does that percentage figure you give include the rigging, too? A. Right.

* * * * *

191 ANTHONY DiMELLA

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

192 DIRECT EXAMINATION

Q. (By Mr. Rosemere) Would you give your full name and address to the reporter, please? A. Anthony DiMella, 141 Hickory Drive, Ledyar, Connecticut.

Q. Mr. DiMella, you are one of the two Charging Parties in this case? A. Yes, I am.

Q. Have you obtained work in the past through Local 305? A. Yes, I have.

Q. When did you first obtain work through Local 305? A. In September of '69.

Q. How did you obtain that work? A. I called Mr. Polcaro, who was then general foreman for Millstone One reactor, Ebasco.

Q. Was that the Mr. Polcaro who was a witness here this morning? A. Yes, it was.

JUDGE NACHMAN: What did you ask him?

THE WITNESS: For a job.

JUDGE NACHMAN: What did he say to you?

THE WITNESS: Well, he asked me about my -- what I was, past experience, what I knew about pipe and I told him and he said, "Well, I'll get back to you. I'll have to clear it through the BA first," and he called me back a couple of days later and dispatched me to the job.

193 JUDGE NACHMAN: You say he called you back. Who called you back?

THE WITNESS: Mr. Polcaro.

JUDGE NACHMAN: And he dispatched you to the job?

THE WITNESS: Well, he cleared it through the BA --

JUDGE NACHMAN: This is what he told you?

THE WITNESS: Yes.

JUDGE NACHMAN: You never went down to the Union hall?

THE WITNESS: No, I did not.

JUDGE NACHMAN: What was the name of that job?

THE WITNESS: Ebasco, Millstone One.

Q. (By Mr. Rosemere) Now will you describe for us what type of work you did at Ebasco, Millstone One? A. I reported to the rigging foreman. I was assigned to the rigging foreman, George Chandler, and for approximately a year, I worked for the rigging foreman and then the job, towards the end, it was closing -- the job was being completed and the rigging department was disbanded and they shipped different men who was in that gang to different other

foremen who had finished up jobs, like, and then I was turned over to a foreman who was working on a turbin in the turbin building.

JUDGE NACHMAN: How long did you work for him?

THE WITNESS: The job ended a couple of months later.

JUDGE NACHMAN: You worked for him a couple of months?

THE WITNESS: Approximately, yes.

194 JUDGE NACHMAN: And when did it end?

THE WITNESS: I believe in October.

JUDGE NACHMAN: Of what year?

THE WITNESS: '70.

Q. (By Mr. Rosemere) So I take it you started that job at Millstone in September of '69 and the job ended, you say, in October of 1970? A. No. I got laid off.

Q. I'm sorry. You got laid off in 1970? A. Yes.

Q. All right. Now for the last two months of that period of employment, you were working in the turbin house, you say?
A. In the turbin building on the turbin floor, yes.

Q. Could you describe for us what you were doing in the turbin building? A. We were running vacumn lines which, at that time, was a two-inch cast iron pipe. I was teamed up with a welder and it was screw fitting, socket weld fittings and it was just a continuation --

JUDGE NACHMAN: Well, what did you do?

THE WITNESS: Fitted.

JUDGE NACHMAN: Well, describe the operation that you performed.

THE WITNESS: Well, you've got a piece of pipe and the foreman would tell me what he wanted and he'd give me the plan

195 and he showed me exactly what he wanted done and we'd go get the pipe and we worked in pairs. We carried the pipe in, two-inch

vacumn pipe. We'd have to cut the pipe, measure the pipe, some with threading, the joints and screwing on fittings, some were socket welded where the welder would weld and we worked in pairs and they we'd have to put it on location, on elevation and make provisions for hangers and it was part of the system, the vacumn system through the turbin.

JUDGE NACHMAN: And this is what you did?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) Now, for the first part of that employment period, you say you were in a rigging gang? A. Yes.

Q. And how many others were in that gang with you?
A. Between eight and fourteen.

Q. And during that part of your employment period, what did you do? Would you describe the job for us? A. Well, the beginning of the job, we moved pipe from outside to different jobs throughout the plant. If they were small enough pipes, which is six to eight inch pipe, we would leave them in the area where they were going and do more and just put them throughout the plant, but if they got to be --

JUDGE NACHMAN: You hand carried them?

THE WITNESS: No, sir. These lengths of pipe are twenty- - thirty feet -- well, there is small, some small that you could
196 carry, the fabricated pipe. If there was any bigger pipe, we would bring them inside, put them on location and rig them into position in the hangers and, toward the latter part of the year, we were hooking up the main turbins which the pipes were, I believe, forty-eight inches in diameter and we'd rig them in position and work with welders to tack ready for weld. We spend an awful lot of time fitting pipes through the different components.

Q. (By Mr. Rosemere) If I understand you, lining up for the welders, this is part of the rigging function? A. The gang I was assigned to --

Q. I'm talking about the gang you were in and what you did? A. Yes, it was.

Q. Was that a hoisting operation? A. Yes.

Q. We're trying to get pictures here, Mr. DiMella -- I understand you have some sort of gear, hoisting gear which you affix to the section of pipe, is that so? A. Yes.

Q. And does this have to be elevated? A. Yes, it does.

Q. I see. Now, are these already prefabricated sections or are they sections that -- are they flange sections or just pipe end sections, cut pipe ends? A. They were mixed.

197 Q. So on the cut pipe end, that is, the unflanged part, would you have to hoist these into position? A. Yes, we did.

Q. And what's the operation from then on in preparation for the welding operation? A. We'd get most of the bigger pipe, we'd get it all the way in position up to the first inspection, which would be the tackle and there have been, on some of the jobs, where we had ground the pipe, and if it was out of round, we'd round it and get it all ready for the final, what they call the first feed for the welders.

Q. I take it before the welder can strike his arc, these pipe sections have to be secure? A. Definitely.

Q. Who arranges for the permanent hangers for these sections? A. Well, a lot of times, we put up temporary hangers if there was no other heavy gear available; whereas, the foremen would foresee that we needed a sixteen ton chain fall on another piece of pie, we would have to put up a temporary hanger to hold that to replace the chain fall, to take this chain fall and gear to another piece.

Q. What was the reason for the termination of that job, on that job? A. Due to lack of work.

198 Q. It was a lay-off, is that correct? A. Yes.

Q. All right. Now upon lay-off, what did you do about getting work? A. The general foreman told me to take a couple of weeks off and get in contact with Ninny.

Q. I take it Ninny is a name for somebody in the Local? A. Yes, Mr. Impellitteri.

Q. This is a nickname? A. Yes.

Q. Now, Mr. Polcaro is the Mr. Polcaro who was here before, right? A. Yes.

Q. Did you follow his instructions, Mr. Polcaro's instructions? A. Yes, I did.

Q. And did you get in touch with Mr. Polcaro? A. Mr. Impellitteri.

Q. Excuse me. Mr. Impellitteri? A. Yes.

Q. And as a result of your contacting Mr. Impellitteri, what happened? A. I think it was about maybe three weeks later than he dispatched me to the W. J. Barney at the pfizer plant in Groton.

JUDGE NACHMAN: How did he dispatch you? Did you go to the Union hall?

THE WITNESS: I called him at seven o'clock at his home.

199 JUDGE NACHMAN: You called him at his home?

THE WITNESS: Yes.

JUDGE NACHMAN: And he told you to go to this job?

THE WITNESS: About theee weeks later, yes.

JUDGE NACHMAN: Well, when he dispatched you to the job, how did he do it?

THE WITNESS: He said, "Monday morning, report to the steward."

JUDGE NACHMAN: Did he call you on the telephone?

THE WITNESS: No, I called him.

JUDGE NACHMAN: All right. You asked him what, about work?

THE WITNESS: Yes.

JUDGE NACHMAN: And he said, "Monday morning, report to the --

THE WITNESS: He said, "Monday morning, report to the steward at the W. J. Barney," and he explained where the gate was and everything.

Q. (By Mr. Rosemere) When you called Mr. Impellitteri, at this time, was this by a prior arrangement or was this a method that you undertood yourself? A. No. After about two weeks, I called him.

Q. Two weeks after your lay-off? A. Yes and I asked him what he had and he said, "Well, I have book men right now who are out, but I will take care of it," and I said, "Okay," and I asked him if he minded if I called him at his house and he said, "No, the
200 best time to get me is at seven o'clock in the morning." I said "fine," so maybe it was two weeks later or three, I got ahold of him at seven o'clock in the morning and he said, "Monday morning, report." McGrath was the name of the steward at the pfizer plant.

Q. And up to this time, had you signed any registers at the hall? A. No.

Q. You went to the pfizer company job for W. J. Barney, is that your testimony? A. Yes.

Q. Would you describe your work at the pfizer plant? A. Well, that's a little bit different. I was assigned a welder. They work in pairs.

Q. You were assigned a welder? A. I was teamed up with a welder and at Barney at the pfizer plant, you work in pairs. The plant is a large area. You're given a welding machine, a

burning rig on wheels and a tool box and they dispatch you to jobs. Our first job at Barney --

JUDGE NACHMAN: You say, "our first job"?

THE WITNESS: My welder, I'm talking about, was running an eight-inch cement line, cast iron pipe, from the bottom of what they call the Susiac Building to two storage water tanks that they were installing and this was maybe ten or twelve stories high. It was the highest building there and all the pipe was twenty length

201 pipe, which they had made arrangements to stick up with the crane and we worked that job, just the two of us, four or five months, right through the winter.

Q. (By Mr. Rosemere) Did you tell us what diameter pipe this was? A. It was two lines. The return was six inches and the feed was eight inches.

Q. In diameter? A. Yes.

Q. Now when you got these sections of pipe, what did you have to perform on these sections, if anything? A. We had to go -- we had a set of plans that we worked from. We had to cut them, bevel them. It was all flange fittings and put all the fittings on them.

Q. Did you people have to fit the flanges on them? A. My welder and myself did it all, yes.

Q. And then after you got these pieces flanged, did you have to place them in position? A. Put them on permanent hangers. We made the hangers. We bolted -- after the flanges were welded, they were bolted to the section next.

Q. Who did the bolting? A. We did.

Q. Was there a gasket operation there too? A. Yes.

202 Q. Who inserted that? A. We did.

JUDGE NACHMAN: Did you do any welding?

THE WITNESS: No, sir, I didn't.

JUDGE NACHMAN: You did, what would be called, assistant to the welder? You helped him put the pipe in place and hold it in place while he welded?

THE WITNESS: It was my job to install. I was the pipefitter on that job. The welder was the welder on the job. It was a little bit different at pfizer because the welder didn't have to be certified because there were no nuclear components on it and he did strictly the welding. I couldn't, because of the standards, or whatever they have.

Q. (By Mr. Rosemere) You say you were given a set of plans, is that right? A. Yes.

Q. Who was the one who was directing the operations of the plans -- you or the welders? A. I was.

JUDGE NACHMAN: In other words, you told the welder, "Here is the place to weld," and then he would do the welding?

THE WITNESS: Yes. Well, we didn't work that way. I never told the welder to do anything. When you work in pairs, you would, you know, suggest -- nobody was giving any orders, simply because there was no orders to give. We knew exactly what we had to do.

203 It was never -- you know, nobody was the boss.

Q. Well, is it fair to say that somebody had responsibility for that installation? A. Yes.

Q. Who had responsibility for that installation? A. I did.

Q. Now you say that employment at pfizer started sometime in October or November of 1970, is that correct? A. Yes.

Q. And when did that employment terminate for you?

A. A year later. October of '71.

Q. October of '71?

JUDGE NACHMAN: What was the reason for that?

THE WITNESS: Lack of work.

JUDGE NACHMAN: The job ran out?

THE WITNESS: Well, they cut -- it was due to lack of work.

Q. (By Mr. Rosemere) Was this called a lay-off? A. Yes.

Q. Now, once again, upon lay-off, what did you do by way of undertaking to get additional work? A. I called the BA.

Q. That's Mr. Impellitteri? A. Mr. Impellitteri.

204 Q. Where did you call him? A. At his home.

JUDGE NACHMAN: What did you tell him?

THE WITNESS: I told him, "Ninny, I got laid off Friday." I said, "Have you got anything." He said, "Well, hang on a little bit and let me see." And I said fine, and I called him a week later and he said, "Right now, things don't look too good. I have a lot of book men out, but I'll take care of you. Don't worry." And I said, "I won't worry for now," and I guess it was maybe another two weeks later that he called me and dispatched me to the Bechtel job at Millstone Point unit Two, to report to the steward, Delaporta, at the time.

Q. (By Mr. Rosemere) And did you so report? A. Yes, I did.

Q. And who made the assignment on the job? A. Mr. Polcaro.

Q. The same Mr. Polcaro who was here today? A. Yes.

Q. Now, would you describe for us, please, the work that you did at Millstone No. Two starting in November, 1971? A. I was assigned to a fitting gang, we were installing main sea water lines. It was done down in the auxiliary building. My foreman's name was Ralph Cuhn. It was just prepping pipe for welders, working with welders, the same thing, putting them in hangers, making hangers.

Q. What size was the pipe you were working on?

205 A. It varied. He had the lower half of the auxiliary building and it was from one-inch cast iron up to -- I'd say the biggest was eight inches.

Q. In diameter, is that right? A. Yes.

Q. So what did you people have to do with this piece of pipe or these sections of pipe? A. Fit them.

Q. All right. What is involved in the fitting operation? Anything different from what you had done before? A. No, it was the same thing. Most of these were fabricated pipes and the rigging gang, department, or whatever you want to call it, would bring the pipes into us on location and Ralph Cuhn's men would buckle onto it there and they'd bring it into position and uncap the caps, the flanged ends, clean them up, get bolts, put the pipes up and fit them.

JUDGE NACHMAN: Was any welding required there?

THE WITNESS: Yes, on some which didn't come in with flanges, where the tube turns went one way, up or down, we'd have to prep that pipe up and then line that up and there again fit it with a welder and he would tack and the procedure was much different then pfizer's because it's different components, nuclear components.

Q. (By Mr. Rosemere) You mentioned the rigging gang

206 carried these sections in? A. Nobody carried anything. These are big pipes.

JUDGE NACHMAN: They were rigged in?

THE WITNESS: Yes. They'd drop it in with an overhead outside crane, stick-boom crane, down to the loading hatches or holes or whatever you want to call them.

Q. (By Mr. Rosemere) I take it from that, you say you were not in that pipe rigging gang? A. No, not on the Bechtel job.

Q. You said you were on a fitting gang? A. Yes.

Q. Did you find there were times when some of these prefabricated sections did not fit the way they were supposed to fit? A. Yes, a lot of them come in short or long or wrong turn or something like that.

Q. So what did you people have to do in a situation like that? A. We'd just take the damned thing down and put it back into the hole again and after the papers and all that, haul it --

Q. You sent it back? Is that what you're saying? A. I don't know.

JUDGE NACHMAN: Well, it was sent back off your particular --

THE WITNESS: It was off my job, yes. It's removed from the job, yes.

JUDGE NACHMAN: It was substituted for?

THE WITNESS: Well, I don't know if every pipe we ever took
207 out because it was wrong, if we ever replaced it with a right one, I don't recall.

JUDGE NACHMAN: But another piece of pipe came to you to be fitted, right?

THE WITNESS: Well, we had more from the load to work on and if that pipe went back, we didn't -- we had enough to do.

Q. (By Mr. Rosemere) Were you or were you not working from plans then? A. Yes, but not as often as the Barney job.

Q. When did that employment end for you? A. March of '72.

JUDGE NACHMAN: And you performed that same function the whole time you worked at that job?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) Were there others working with you at that time doing similar work? A. Oh, yes.

Q. About how many? A. In the gang I was assigned to?

Q. Yes. A. Eight to twelve.

Q. Was there more than one gang? A. Oh, yes.

Q. Pipefitting gangs I'm talking about, steamfitting gangs? A. Definitely.

208 Q. And what was the reason for the termination in March of '72? A. Lack of work or lay-off.

Q. I see. And once again, when you were laid off from that job in March of '72, what did you do about getting additional work? A. The same thing. I called the business agent.

Q. You called him at home? A. Yes, I did.

Q. And would you tell us what you said to him and what he said to you in these telephone calls? A. The same thing every time. "Ninny, I'm out of work. I need a job." He said, "Tony, I've got a lot of book men out and I will take care of you. Don't worry about it."

Q. And did he get in touch with you? For additional work? A. Yes, about five months later.

Q. Would you tell us how they came about? A. Well, I was getting -- it was in the summer and I [illegible] hadn't worked and unemployment was running out. I couldn't get any work through the business agent and I called Mr. Polcaro and asked him if he could do anything for me to seek employment.

Q. Approximately when was that, sir, what month? A. I'd say August of '72. In August of '72, I wasn't getting anywhere with the BA --

Q. When you say, "the BA," who do you have in mind?

209 A. Mr. Impellitteri. Of course, I knew the reason why, but it didn't dawn on me what was going on, so I finally got ahold of Mr. Polcaro --

MR. ZOLOT: I move that that be stricken.

JUDGE NACHMAN: Well, he really didn't say anything. He knew the reason.

MR. ZOLOT: I just think the comment is inappropriate. There's no question pending and it shows the bias of the witness.

JUDGE NACHMAN: Well, you don't want it stricken then.

MR. ZOLOT: I want it stricken.

JUDGE NACHMAN: You want it stricken? That will be stricken. Go ahead, sir.

Q. (By Mr. Rosemere) Continue, please. A. On what?

JUDGE NACHMAN: Tell us what the conversation was between you and Mr. Polcaro.

THE WITNESS: I asked Mr. Polcaro -- well, Mr. Polcaro wasn't working at the time and I asked him to see what he could do for me because it had been five months and I hadn't had any work and the unemployment was running out and he informed me that he was taking over the Montiville Power House job and he would request me to Mr. Impellitteri and I said fine. In the meantime, I kept calling Mr. Impellitteri and his answer was "I've also got book

210 men out and they come first," and I said, "well, Ninny, I'd appreciate it if you could do anything."

JUDGE NACHMAN: During this five-month period, you say, between March, when your prior job terminated, and August, when you called Mr. Impellitteri --

THE WITNESS: I called Mr. Impellitteri from March --

JUDGE NACHMAN: I'm asking you, in that period, how many times did you call Mr. Impellitteri?

THE WITNESS: At least once a week.

JUDGE NACHMAN: Go ahead.

THE WITNESS: And Mr. Impellitteri told me that Mr. Polcaro had taken over the general foreman's job for the Montville Power House and "I'll see if I can get you out there," and I said fine. So I guess it was in September that I received a phone call at my home from Mr. Jerry Delaporta, who was steward at the job.

Q. (By Mr. Rosemere) What job? A. Bechtel job, Millstone Two, and he said, "get ahold of Ninny," Mr. Impellitteri, "There's a job breaking tomorrow at Ebasco in shut-down. He's going to need men for it." I said, "Well, Ninny told me to call him back on a Friday because I was going out to Montville Power House for Tony," and he said, "Never mind that. Call Ninny," so I said fine. This was on a Tuesday. Tuesday night, I couldn't get ahold of Ninny at his home so, at seven o'clock, Wednesday morning, I got ahold of Ninny and I asked him -- I told him -- I said, "Jerry told
211 me to give you a call, that you have a job breaking at Millstone One, the Ebasco job," and he said, "No, I'm going to send you out to Montville Power House with Tony," and I said, "Jerry did tell me to call," and he said, "Well, all right, I wasn't going to send men out there until Monday," and he said, "Go down there and see Louis Preolla, who was a steward on the job, at eight o'clock." This was seven-fifteen in the morning. I did. I packed my lunch and went there.

Q. This was the Ebasco Millstone job you're talking about?
A. Ebasco Number One Unit. This was in September of '72.

Q. This is what I'm trying to establish -- you started work at the Ebasco job at Millstone Number One in September?
A. September of '72, yes.

Q. All right. Will you tell us please what kind of work you did at Ebasco Millstone Number One? A. I was a fitter, the same thing as we were running on the radiation waste lines for the new modification system on the shut down.

Q. What kind of pipe was it? A. It was mixed pipe again. It was six to eight inch, four inch, cast iron. There was stainless steel, two, three, six inch --

JUDGE NACHMAN: Did you work in pairs there?

THE WITNESS: Most of the time it was pairs.

JUDGE NACHMAN: What type of pairs?

212 THE WITNESS: A welder.

Q. (By Mr. Rosemere) I take it you were paired up with a welder? A. Yes.

Q. Were you or were you not working from plans at that time? A. Yes, we were.

Q. Who had the responsibility for reading the plans? A. Well, that's hard to say because a permit man never has the responsibility of anything and I would say, going back to my last, let's say, lie, because that's what it is, at Barney, a permit man never had responsibility --

JUDGE NACHMAN: He had the responsibility, but not allowed to do it?

THE WITNESS: No, because the book men doesn't even want a permit man to carry a plan. In fact, on the first unit, my foreman, when I first got hired, told me, "Do not get caught carrying plans," because I was a permit man and it's just a policy which, in a way, does make sense.

Q. (By Mr. Rosemere) What guided you in making your installations at the Ebasco Millstone job starting in September, 1972,

when you had a welder working with you? A. I took it upon my own and if I ran into any problems, I'd talk to the foreman.

Q. What did you work from? You have to have some sort of a verbal instructions or directions or plan, so how did you know

213 what to do? A. We had plans in the shack, our fitters' shack, and there was a complete set of plans, many plans, on all the systems and you took it off the plans in the foreman's, in the white hat's office.

JUDGE NACHMAN: Who took it off?

THE WITNESS: The welder and me.

JUDGE NACHMAN: The welder or you or both together?

THE WITNESS: Both together. We always worked together.

Q. (By Mr. Rosemere) I take it this was when you worked on -- when you made the installations?

MR. ZOLOT: I object to that. I don't care what counsel thinks. The question is what did this witness do. If he wants to puff himself, that's one thing --

JUDGE NACHMAN: I think he's answered it. "The two of us went together and we took it off the plans."

MR. ROSEMERE: I think this is what we're trying to establish.

JUDGE NACHMAN: There are certain rules of examining the witness, just to be fair --

MR. ROSEMERE: I have to assume, Your Honor -- excuse me if I am wrong -- I didn't think I was leading the witness at that point.

JUDGE NACHMAN: I think you were.

MR. ZOLOT: I don't mind cooperating to expedite, Your

214 Honor, but there is a limit.

JUDGE NACHMAN: Go ahead, sir.

Q. (By Mr. Rosemere) How long did that job last for you, Mr. DiMella? A. January 5, 1973.

JUDGE NACHMAN: And you did the same type of work for the whole period you were on that job?

THE WITNESS: Yes, I did.

Q. (By Mr. Rosemere) Before you obtained your employment through Local 305, and I believe it was September, 1969, is that correct? A. Yes.

Q. Where had you worked? A. Electric Boat, General Dynamics.

Q. And how long had you worked at General Dynamics, Electric Boat? A. Twelve years.

Q. What were you doing during that twelve-year period? A. I was classified as a rigger, sub-division -- pipe shop.

Q. And as a rigger in the pipe shop, what was your usual work assignment? A. Rigging pipe.

JUDGE NACHMAN: That's the only thing you did there?

THE WITNESS: Because of jurisdictional --

JUDGE NACHMAN: Well, whatever the reason, that's the only
215 thing you did there?

THE WITNESS: No, not in the shop.

JUDGE NACHMAN: What else did you do there?

THE WITNESS: On some components, where they were A, B, C, controlled nuclear things, they had what they called interchangability whereas craft jurisdiction didn't mean anything and a fitter could rig and a rigger could fit or a welder could grind or a machinist could -- well, it was sort of like crews, what they called a composite crew in the building trade.

Q. (By Mr. Rosemere) Once again, what did you do? A. When we worked on any nuclear components with valves or

pipes, whatever, you'd have to uncrate them from the crates that they came in and most of the time, test them on location and it was just a part of a four or five men involved in doing this.

Q. Were you working in the shops or in the ships?

A. From the shop into the ship, to the boat.

JUDGE NACHMAN: Did you have any work to do in the boat?

THE WITNESS: Yes, we installed them in the boat.

JUDGE NACHMAN: You installed them, too?

THE WITNESS: Yes.

JUDGE NACHMAN: What did that involve?

THE WITNESS: That involved rigging them from the dockside to the compartments on location and, there again, if it was in the

216 reactor system, which is where the interchangability occurred, we worked together and bolted up and kind of fit up, and but as far as the last responsibility, actually came down to the pipefitter in charge of the group.

JUDGE NACHMAN: At Electric Boat, you did not do that?

THE WITNESS: Yes, this was at Electric Boat.

JUDGE NACHMAN: But at Electric Boat, you did not do that final responsibility of the pipefitter?

THE WITNESS: No, sir.

Q. (By Mr. Rosemere) Let me direct your attention to the period following your lay-off in January of this year. What did you do about getting additional work after your lay-off from your last job in January? A. The same procedure. I called the BA --

Q. Where did you call him? A. At his home.

JUDGE NACHMAN: That was Mr. Impellitteri?

THE WITNESS: Yes.

JUDGE NACHMAN: What conversation did you have with him?

THE WITNESS: I said, 'Ninny, I'm out of work. Have you got any work for me?" And he said, "Tony, right now, I've got half the State of Connecticut on my back," and I said, "Well, if you see anything, let me know," and he said, "Don't worry. I'll take care of you." So then we had heard --

JUDGE NACHMAN: You say, "we"? Who is, "We"?

THE WITNESS: Your Honor, from here on in, it's Mr.

217 Bartolucci and myself for a lot of reasons which I'll try to explain. We had heard --

MR. ZOLOT: I object, Your Honor. I want to know --

JUDGE NACHMAN: Don't tell us what you heard unless it came through Mr. Impellitteri or someone connected with the union.

MR. ZOLOT: The question was what did he do to get a job.

THE WITNESS: I called Mr. Impellitteri.

JUDGE NACHMAN: And tell us about that conversation. He told you he had half the State of Connecticut on his back and he would do what he could for you?

THE WITNESS: Right, but in the meantime, he was putting all kinds of men on jobs --

MR. ZOLOT: I object, unless the basis of his knowledge is shown.

JUDGE NACHMAN: All right, I'll have to sustain it.

Q. (By Mr. Rosemere) Mr. DiMella, we're trying to establish what you did by way of seeking work as you had done in the past and I believe you testified that after your lay-off from that last job in January, you contacted Mr. Impellitteri. Now, how did you contact him? A. I contacted him by phone.

Q. By phone. All right. Now, starting in January, after your lay-off, how many times, if there was more than once, how

218 many times did you contact him by phone? A. Once a week at his home at seven o'clock in the morning.

Q. For what period of time did you contact him at his home once a week? A. About four weeks.

Q. And would you tell us please what was said by you and by Mr. Impellitteri during those telephone conversations for the four weeks following your lay-off? A. Every time I called him, he had book men out, half the state was on his back and he would try to take care of me.

JUDGE NACHMAN: This is what he told you?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) Now, at any time -- up to this time, up to your last telephone conversation in that period, had you ever signed a register at the hall? A. No.

Q. Had Mr. Impellitteri or anyone else in the Union instructed you to sign a register at the hall? A. Yes.

Q. Up to this time? A. Oh, no, not up to this time, I'm sorry.

Q. I'm trying to follow this chronologically to make it more understandable for the court. Now, sometime after this initial period of telephone contacts, did you have a different type of contact with Mr. Impellitteri? A. Yes.

219 Q. Starting when? A. About the first week in February.

Q. How did you contact Mr. Impellitteri then? A. Directly down the hall.

Q. Was anybody with you? A. Yes.

Q. Who? A. Mr. Bartolucci.

Q. Now, can you estimate for us the number of times, if there was more than once, that you contacted Mr. Impelliteri in the hall? A. Twice a week.

Q. And this was starting when? A. I take that back. I contacted him in the hall. We went down the hall twice a week. He wasn't down there every week.

Q. You went down the hall, then, every week? A. Yes.

Q. Starting when? A. In February.

Q. All right.

JUDGE NACHMAN: Each time, you went together?

THE WITNESS: Yes, sir.

Q. (By Mr. Rosemere) Now, in February, all during February, during these visits to the hall, did you encounter Mr.
220 Impellitteri? A. Yes.

Q. Can you approximate the number of times in February that you encountered Mr. Impellitteri at the hall? A. Four or five.

Q. All right. Now would you tell us please what you said to Mr. Impellitteri and what he said to you? A. "Ninny, I need a job." "Fellas, I don't have any." "When anything breaks, you two will be the first I'll call."

JUDGE NACHMAN: Is that all that was said? That's the substance of the conversation.

THE WITNESS: Yes.

JUDGE NACHMAN: Were the words, "book men," mentioned in that conversation?

THE WITNESS: Every other time, yes, they were.

MR. ZOLOT: I object, Your Honor, even a leading question from the court. With all due respect to the court, that was a leading question.

JUDGE NACHMAN: I don't think so.

MR. ZOLOT: Well, I do disagree with you, Your Honor, and I'd like to take an exception to your question.

JUDGE NACHMAN: You have an automatic exception to all adverse rulings. What was said on the subject of the book men?

THE WITNESS: His opening statement was -- "I've got book men out. They come first." Then he said, "as soon as I can get --"

221 one occasion, "as soon as I can get the BAs from the rest of the state off my back," he said, "I will take care of you." He said, "I mean it."

Q. (By Mr. Rosemere) Now, at any time during these contacts by telephone in January or by personal encounters in the hall or elsewhere, up to the present time, has anything ever been said about qualifications? A. Never. Excuse me, I'm sorry, yes.

Q. When? A. The only time was when we submitted our applications.

Q. When was that? A. In July.

Q. All right. Would you tell us please, when you submitted your application, I take it you mean this was after you obtained the application blanks, filled them out and returned them? A. Yes.

Q. All right, would you tell us, were you alone at the time? A. No, sir.

Q. Who was with you? A. Bartolucci.

Q. And you had a conversation with whom? A. When we presented the applications, you mean?

Q. Yes. A. Mr. Impellitteri.

Q. Would you tell us -- the question was -- was anything ever said about qualifications and you said yes. Was this the time

222 when there was some mention made of qualifications? A. Yes.

Q. Would you tell us, please, what was said?

MR. ZOLOT: Your Honor, at this point, I'd like to move that Mr. Bartolucci be sequestered. It's very obvious that his presence here in this context, in a case which is correlated to his, would be

prejudicial to our position. It's obviously -- hearing the testimony of this witness may color his testimony and while he is -- while the cases are consolidated, they are separate and I would, therefore move that the witness be sequestered.

JUDGE NACHMAN: Under the Board's rules, the Charging Party is entitled to remain in the hearing room.

MR. ZOLOT: With respect to his --

JUDGE NACHMAN: That's true. In an 8(a)(3) case, you may have five or six 8(a)(3)'s and they're all entitled to remain in the hearing room.

MR. ZOLOT: These are two cases that were consolidated, Your Honor, and these are two separate cases and, therefore, that rule does not apply. It would be true if they were all under one case, but this is not so.

JUDGE NACHMAN: Motion denied.

MR. ZOLOT: May I take an exception, Your Honor?

JUDGE NACHMAN: You have an automatic exception.

223 MR. ZOLOT: I understand that, but I want the record to show that I am taking an exception.

JUDGE NACHMAN: Proceed.

Q. (By Mr. Rosemere) Mr. DiMella, do you understand the question that's pending? A. No.

Q. I'm scrupulously trying to avoid leading and I agree with Mr. Zolot in the court that we should be extremely careful and my question to you originally -- at any time during the contacts with Mr. Impellitteri, had the question of qualifications ever been raised? A. No.

Q. I think your answer was no and then I thought that you were about to revise your answer. A. I was going to, but it's not qualifications.

JUDGE NACHMAN: So you adhere to your testimony that at no time did you have discussions with Impellitteri about the subject of your qualifications to do the work mentioned?

THE WITNESS: Never once.

Q. (By Mr. Rosemere) Well, during this year, were you, in fact, ever referred from the hall to a job? A. Yes.

JUDGE NACHMAN: During 1973?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) When were you referred?

A. April of '73.

224 Q. By whom? A. Mr. Terry Quinn, Assistant BA.

Q. All right. Would you tell us, please, how that referral came up? A. Again, I got ahold of Mr. Polcaro and I said, "Tony, I need a job," and he said, "Well, Quinny has gas fitters. Maybe he can put you o with the gas fitters," and I said, "Tony, anything." I guess a week later, Tony called me back and he gave me Quinny's telephone number and he said, "Call Quinny," "There is a job tomorrow morning." He started to tell me where it was and I said, "Never mind --." He stopped and said, "You call him and he'll give it to you straight." So I called, -- I got ahold of Quinny at his home that night and he told me to report to the foreman for Henkle and McCoy at Paul's Service Station on Boston Post Road in Waterford at eight o'clock tomorrow morning, which I did.

Q. When you say, "Quinny," are you referring to Mr. Terry Quinn -- A. Mr. Terry Quinn, the Assistant BA.

Q. Do you know when that job ended? A. The end of June.

Q. I think you said that was a gas fitting job? A. Yes.

Q. Now, up to this time, had you ever signed a register at

225 the hall? A. No.

Q. After that job ended, what did you do about getting work?
A. I went back down to the Union hall.

Q. Did you go alone? A. Never.

Q. Who did you go with? A. Mr. Bartolucci.

Q. And what was the frequency of your visits to the hall?
A. In July, two or three times a week.

JUDGE NACHMAN: Did Mr. Bartolucci go to the gas fitters job that you were on?

THE WITNESS: No, sir, he didn't.

Q. (By Mr. Rosemere) When you went to the hall, did you have any conversations with any official at the hall? A. Yes.

Q. Who did you have conversations with? A. Mr. Impellitteri.

Q. And what did you say to Mr. Impellitteri at the time?
A. We needed a job and one time, he went in the office. I knocked on his door and he had other people in there and he called us out in the hall. We proceeded into the hall and he told us things were real bad, that he was getting more and more pressure from BAs throughout the state, that he was very fortunate that they had the work and outside the state didn't. He was having trouble with this guy and that guy.

226 He said, "But I will take care of you guys as soon as I get a break." He said, "I'm even going to try to bury you in Hartford." And we left together again and he patted us on the back as we went out and said, "Don't worry. I will take care of you."

Q. Now, on any of these visits to the hall in July or when the gas fitting job was over and you resumed your business at the hall, did you ever overhear any conversations about putting other people to work? A. On many occasions.

Q. Well, would you tell us -- give us the first occasion you can recall.

MR. ZOLOT: May we have the time?

Q. (By Mr. Rosemere) Yes, would you fix a time when you overheard it? A. You mean what time in the morning or --

JUDGE NACHMAN: No, the date.

THE WITNESS: There was never one time that we met or sat with Mr. Impellitteri and asked for a job when he did not say, "I have book men out."

MR. ZOLOT: I claim, Your Honor, that's not responsive.

Q. (By Mr. Rosemere) I'm talking about any incident that you can recall, special incident you can recall in which any union official made reference to putting somebody to work from elsewhere? A. Well, at the time we submitted our applications --

227 Q. When was that?

JUDGE NACHMAN: The applications for membership?

THE WITNESS: Yes. This was also in July.

Q. (By Mr. Rosemere) Could you fix the date approximately for us? A. No, I cannot.

Q. Did you say July? A. July, definitely.

Q. The first of July? The middle? The end? A. We presented our applications. We gave them to Mr. Impellitteri and he says, "I'll accept these, but I will not process them with the others pending," and I asked him why and he said, "Because that is not what the letter states."

JUDGE NACHMAN: What letter?

THE WITNESS: The letter from the UA. He said that he was under direct orders to take in X amount of men into the Local and we were not included. At the time, he said, "Who are now working," and while we were sitting there, he asked Terry Quinn or Mr. Quinn, the Assistant BA, if the guy from Texas called, and I said, "Excuse me," I said, "You mean to tell me you're waiting for a man from

Texas to come up here to get a job when we are both sitting in this office looking for a job?" and he said, "The UA is awfully big, sonny." Another incident in July, we went looking for Mr. Impellitteri. Mr. Quinn was in the office alone. Mr. Impellitteri
228 hadn't showed up yet. I'm sorry, this was August 6th, to be exact, because that was the date -- well, I asked --

Q. (By Mr. Rosemere) Let me set the stage a little bit. Were you alone at the time? A. No.

Q. Who was with you? A. Mr. Bartolucci.

Q. Were you and Mr. Bartolucci -- you went to the hall? A. Yes.

Q. For what purpose did you go to the hall? A. For a job.

JUDGE NACHMAN: You went to see Mr. Impellitteri?

THE WITNESS: Yes.

JUDGE NACHMAN: But he was not in?

THE WITNESS: Yes, that's right.

JUDGE NACHMAN: You talked to Mr. Quinn?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) What official was there from 305? A. Mr. Quinn was there.

Q. Could you tell us please what was said at that time? A. I asked Mr. Quinn if we could sign the roster -- no, first I said, "Quinny, you got a job," and we both laughed and he said no. I said, "Can we sign the roster," and he opened up his top drawer and threw it on the desk. Duke and I grabbed it and looked at it --
229 Q. Who is, "Duke"? A. Mr. Bartolucci. And this man come in and he threw a book or a paid-up dues receipt card on the table and said he was from Vermont and he wanted a job. Mr. Quinn picked up the dues receipt card and looked at it as if it was all in

order and he said, "All right, go down -- report down to Dow Chemical and report to the steward on the job." I think his name was -- well, I don't know. So the guy said, "Well, what have you got going on at the plant." Quinny said, "Well, we don't have nothing right now, just welders," and he said, "But you go down there for a couple, three weeks and report back and we'll see how things are." So I didn't think it was funny, but I was amused and I told him, I said, "Quinny, you've got to be kidding." He didn't say nothing. By then, Mr. Impellitteri come in. "Good morning," "We asked Ninny can we sign this register." "Yea, sure." So we signed it. Then I asked Ninny, I said, "What happened to our applications," and he said, "I told you that I would submit them to the membership and I will," and we left.

Q. Now you say you and Bartolucci talked to Mr. Quinn when a man came in and identified himself as being from Vermont, is that correct? A. Yes.

Q. And you say he showed his book to Mr. Quinn? A. Yes, a receipt.

230 Q. How close were you standing to this man? A. We was standing right at the desk. He came on this side of me and threw it on the table.

Q. And then you testified as to a conversation that ensued between this Vermont man and Mr. Quinn, is that correct?
A. Pardon?

Q. You testified to a conversation that took place between the Vermont man and Mr. Quinn? A. Yes.

Q. Now, what did the Vermont man do while you were present? A. He threw his thing on the desk. I didn't hear him ask for a job. Quinny picked it up and then said, "All right, go down to Dow Chemical and report to the steward on the job," and the man finally did say, "Well, have you got anything on the plant."

Q. The plant? A. Millstone and he said, 'No, you're not a welder and they need welders out there. Go down there and report back here in two or three weeks."

Q. What did this man do? A. He picked up this thing and Quinny drew him a map and gave him a piece of paper, the name of the steward, how to get to the job and the man got in his car and left.

Q. That's all you observed this man do? A. Yes.

Q. Did you observe him sign the register? A. No, sir.

231 Q. Did you say that you signed the register that day? A. Yes, I did.

Q. I show you General Counsel's Exhibit No. 4 and direct your attention to the third page and ask you if you recognize your name? A. Yes, I do.

JUDGE NACHMAN: Is that your handwriting?

THE WITNESS: Yes, it is.

JUDGE NACHMAN: Do you know how that line happens to be drawn through your name?

THE WITNESS: I was told --

JUDGE NACHMAN: Do you know, of your own knowledge?

THE WITNESS: No.

JUDGE NACHMAN: You do not?

THE WITNESS: No, I do not.

Q. (By Mr. Rosemere) Now, had you ever made an entry in the register of Local 305 before this entry? A. No.

Q. That was the first time? A. Yes.

Q. What prompted you to make the entry this time? A. I was told to go down and sign the register.

Q. Who told you? A. Mr. Polcaro.

232 Q. When did he tell you that? A. Late July.

Q. Was this on a personal telephone -- a telephone conversation or a personal encounter, do you recall? A. It was over the telephone.

Q. All right. Would you tell us, please, what the conversation was that led to your going down to sign this register?
A. I understand that there is a referral list that's supposed to be hanging in the office and he said, "I don't know if there is one down there." He said, "Go down and ask for one." And I said, okay and I went down there and signed it.

* * * * *

237 CROSS EXAMINATION

Q. (By Mr. Zolot) Mr. DiMella, what are you doing now?
A. I'm working part-time for a copper company.

Q. Are you going back to General Dynamics as a rigger?
A. I've tried.

Q. Have you applied there? A. Yes, I have.

Q. When did you apply? A. I applied about a month ago, but not for a rigger.

Q. Why not as a rigger? A. Because I want to stick to pipefitting.

Q. But you were a rigger there, weren't you? A. I was a rigger there, yes, four years ago.

Q. Well, you were there for twelve years, weren't you?
A. I want to stick to the trade.

238 Q. Isn't your trade as a rigger? A. Not now, I don't consider it my trade now, no.

Q. Oh, I see, you mean in the period from '69 to now, you're no longer a rigger? A. You asked me what I consider my trade now.

Q. Yes, what is your trade -- A. I consider my trade now a pipefitter.

Q. A pipefitter. And you weren't hired by General Dynamics as a pipefitter? A. No, sir. I couldn't because they needed riggers.

Q. They don't need pipefitters? A. They need pipefitters, but they need riggers and they could only take me back into the rigging department.

Q. But they won't employ you as a pipefitter -- A. Because they need riggers.

Q. Don't they need pipefitters, too? A. They need experienced riggers.

Q. My question to you, sir, is do they not need experienced pipefitters? A. I don't know.

Q. Did you apply for that? A. Yes, I did.

Q. And they didn't employ you in that capacity, did they? A. They told me they needed riggers.

Q. And you didn't take a job as a rigger? A. I didn't apply for a rigger.

239 Q. Well, they wanted riggers. You didn't apply for it? A. I didn't know they wanted riggers.

Q. Well, I thought you just testified -- A. They told me they wanted riggers. I didn't know this.

Q. And when they told you they wanted riggers, did you say "good, I want the job"? A. No, sir, I did not.

Q. So even though you knew the job was available, you didn't apply for it? A. Yes, that's true.

Q. All right. Now, as a rigger, how many grades of rigging work are there in Electric Boat at General Dynamics? A. I don't understand --

Q. How many classifications of riggers are there? A. I don't know.

Q. Well, what classification of rigger were you when you were at Electric Boat? A. When I left, I was first class.

Q. You were first class? A. Yes.

Q. And is there a lead man on top of that? A. A senior lead, yes.

Q. And he would be your boss? A. No, sir. My foreman would be my boss.

Q. And the classification of senior lead man would be above
240 your classification, isn't that right? A. Yes, sir.

Q. So that you weren't even at the top of the rigging classification when you left Electric Boat, were you? A. No, sir, because of seniority.

Q. Whatever the reason, you weren't there? A. That was the reason.

Q. I didn't ask you what the reason was. I just asked you were you at the top of the classification and you said no, is that right? A. Yes, I did.

* * * * *

241 Q. All right. Now what construction work had you been employed on prior to the time you quit Electric Boat? If any? A. Prior to? None.

Q. None? Is that right? A. Yes, sir.

Q. So that any experience that you have acquired in the building and construction industry has been since you left Electric
242 Boat? A. Yes.

Q. And that amounts to roughly two, two and a half years of experience? A. Well, from '68, yes.

Q. And the pay has been pretty good? A. Where?

Q. Outside working under an outside construction contractor? A. It was more than Electric Boat, yes.

Q. Now, when you went to work -- by the way, how did you get your first job? A. I called Mr. Polcaro at his home and asked him if he was hiring.

Q. Had you already quit Electric Boat at that time? A. No, sir, I didn't.

Q. I see. So you quit Electric Boat in order to go to work? A. Yes.

Q. What did he say to you? A. First he tried to talk me out of quitting because he said "Construction is not as secure as where you are not," and I said, "Tony, I'm at the top of where I can go. I can't move. I can't go any higher." Then he said, "What do you know about Pipe," and I told him and he said, "Well, I'll have to clear it with the BA." I said, "Are you going to call me or do I call you?" He said, "No, I'll call you," and he did a couple of days later.

243 Q. What did he tell you when he called you? A. He told me -- he said, "Report to Jerry Delaporta at eight o'clock in the morning at Millstone One, Ebasco."

Q. So you never came to the union hall? A. No, sir, I didn't.

Q. And you never got the job through the union? You got it through your friendship --

MR. ROSEMERE: Objection. I think that's a conclusion that should be drawn through the evidence.

MR. ZOLOT: I'll withdraw it.

Q. (By Mr. Zolot) You went to work there and you worked fourteen months, approximately? A. Yes.

Q. Were you laid off in the order of your employment?
A. I don't understand.

Q. Were you laid off in the order of your employment? Were you the first one laid off or the last one laid off on the job?
A. I believe I was the last permit man laid off on that job.

Q. And how did it happen you were the last one laid off on the job? A. Because I was a good worker.

* * * * *

247 Q. Now you were laid off, is that right? A. Yes, I was.

Q. Did you go down and file for unemployment compensation? A. Yes, I did.

Q. What did you register as your job? A. Pipefitter.

Q. Did you tell them your experience was limited to one job at Ebasco? A. They didn't ask.

Q. Did you collect unemployment benefits? A. You're talking in '69?

Q. I'm talking about '70 when you were laid off from Ebasco before you went to work at Barney. A. Yes, I believe I collected, two weeks.

Q. All right. You got the job at Barney how? A. Through the Business Agent.

Q. How did you get it through the Business Agent?
A. I called him up.

Q. And he told you he didn't have work then, is that right?
A. Not when he told me to go to work. The first day I called him, yes.

248 Q. And then later he called you to say that there was work available? A. No. Within three weeks' time or whatever, he

said -- one of the mornings when I was talking to him, he said, "Okay, go down to Barney and report to McGrath at the job," and I did.

Q. Did you have any question in your mind at that point that he knew that your work at Ebasco was the first time you had worked in building construction work? A. Did I know he knew this?

Q. Yes. A. I would assume he did.

Q. So he knew a little bit about your work background, as far as you knew? A. As far as I knew, yes.

Q. And you went to work for Barney, is that right?

A. Yes.

Q. Who was the welder you worked with? A. A man named Artin, Norm Artin.

Q. And he was a welder? A. Yes.

* * * * *

249 Q. And how long did you work there? A. At pfizer or at that building?

Q. At that building? A. About five months.

Q. Did you use cast iron pipe there? A. Yes.

Q. Did you weld cast iron pipe? A. Did I weld it?

250 Q. Did you weld cast iron pipe? A. I don't know. I'm not a welder.

Q. You're not a welder? A. No.

Q. Well, how did you put together the cast iron pipe on that job? A. The welder welded it.

Q. The welder welded cast iron pipe? Is that of your own knowledge? A. It was cement lined pipe. Now if you're trying to ask me whether I knew it was cast iron, it was cement lined pipe. Now if you're tricking me into saying you can't weld cast iron,

I'm not a welder. I don't know if you can or not. It was pipe. Cement lined pipe.

Q. So you would agree with me that you don't even know the nature of the material that was being used for that piping job?
A. It was cast -- it was cement lined pipe.

Q. You don't know what the metal material was? A. No, I don't.

Q. And would you think, as a pipefitter, it would be necessary for you to have that knowledge? A. Not really.

Q. Not really? You would weld cast iron pipe? A. I don't weld.

Q. But if you were a pipefitter, you would weld, is that what
251 you're saying? A. If I was a pipefitter, I would weld? No, I don't think so.

Q. You don't think so? Why not? A. Because I'm not a welder.

* * * * *

252 Q. What else did you do at that location? When you got finished with the first job, what did you do next? A. Then we moved our equipment down to the other end of the yard and we ran CRES pipe, for what system, I don't know what it was for, replacement pipe. It was three inch -- not CRES, it was stainless steel pipe.

Q. Was that welded? A. I didn't weld it. The welder welded it.

Q. Were you directing the welder? A. I was the fitter on the job.

Q. Were you directing the welder? Were you telling him what to do? A. Telling him how to weld? No. Telling him where to put the tack, yes.

Q. Were you paid anything for foreman? A. I wasn't a foreman. I was a fitter.

Q. You were a fitter. And how long did you work there? A. A year.

Q. And you were laid off? A. Yes.

Q. Was your welder laid off at the same time? A. I don't know.

253 Q. Were there any other, as you describe them, permit men laid off at the time? A. I don't really know.

Q. Were you laid off or did you quit? A. I was laid off.

Q. All right. Then you said you called the Business Agent again, is that right? A. Yes.

Q. This was in October of '70? What did he tell you about work availability at that time? A. I got ahold of the Business Agent at seven o'clock in the morning at his home and said, "Tony, I got book men out. I will take care of you. Things are rough. Hang on."

Q. He did tell you, though, there wasn't much work around? A. He didn't say that. He said, "Things are tough. Hang on."

Q. How did you interpret, "Things are tough?" A. I wasn't going to go to work for a while.

Q. Did you go down and file unemployment compensation claims? A. Yes, I did.

Q. Did you collect? A. Yes, I did.

Q. All right. Then how did you get your job at Millstone Unit Number One, thereafter? A. Number One?

254 Q. Yes. A. Now we're in '72, right, September?

Q. That's what you say. A. The Business Manager called me up or I called the Business Manager up under instructions on a Tuesday from Jerry Delaporta to get ahold of Ninny because a job

was going to break tomorrow morning, or was going to break at Ebasco and I got a hold of Ninny at seven o'clock Wednesday morning at his home and, at seven-thirty, I was on my way to Millstone One.

Q. So you got the job through the Business Agent?

A. Yes.

Q. And you worked there until January of 1973?

A. January 5th.

Q. And you were laid off there. Again were you amongst the last of the permit men to be laid off? A. When I got laid off, there were two fitters and four welders on the same day.

Q. And were there any persons there who were not qualified retain in employment, do you know?

JUDGE NACHMAN: Not qualified what?

MR. ROSEMERE: Objection.

MR. ZOLOT: There's an objection. I'll withdraw the question.

Q. (By Mr. Zolot) You were laid off on January 5, 1973?

A. Yes.

Q. Were there any other persons retained in employment
255 after you? A. Yes.

Q. How many others? A. Ten or twelve.

Q. Do you know how long they worked after you were let go? A. They are still there.

Q. They're still there? A. Yes.

Q. Are you sure about that? A. The original ten or twelve?

Q. Yes. A. Well, some of the ten or twelve are still there.

Q. Now between January 5th and August of 1973, did there come a time when you -- I'll withdraw that question. First, did you

go down and file unemployment compensation claims? A. Yes, I did.

Q. Were you receiving unemployment compensation? A. Yes, I was.

Q. And when did you first talk with Mr. Bartolucci about going down to the union office together? A. The first part of February.

Q. And at that time, what was the employment situation for plumbers and steamfitters, to your knowledge, in the New London area? A. They were hiring.

256 Q. They were hiring? How do you know that, sir? A. I obtained a list of the men that were hired at the Ebasco job that I left.

Q. Where did you obtain that list? A. I don't care to divulge that because there are book men involved and I'm afraid of repercussions.

Q. You mean that there were qualified men that were hired after you, is that what you're saying? A. I didn't say that. You asked me how I got the list of names and I told you --

Q. And you're saying that people were sent to the job, the Ebasco job, after January 5th? A. Yes.

Q. And were employed there after January 5th, 1973? A. They were hired after January 5th, yes.

Q. How many of them? A. Fifteen or twenty.

Q. And when were they referred? A. When were they put on the job?

Q. Yes. A. From March on.

Q. How many of them were welders? If you know? A. I don't know.

Q. Then how do you know the number? A. You asked me how many were welders.

257 Q. No. I'm asking you how did you know that fifteen were hired? A. Because I have a list of fifteen names.

Q. Do you have the list with you now? A. No, sir.

Q. Do you have it in your possession? A. No, sir, I don't believe so.

Q. Does counsel have it? A. I don't know. He shouldn't.

Q. But you don't know how many welders were referred. Weren't you interested in finding out? A. No, I wasn't.

Q. You can't do welding, can you? A. That's why I didn't find out.

Q. But weren't you interested in how many -- finding out how many were welders? A. Not by names.

Q. How many by numbers? A. I know names.

Q. You know names? Were any of those names on the list did you recognize as not being welders? A. Yes.

Q. Tell us who? A. No, sir.

MR. ZOLOT: Your Honor, will the witness be directed to
258 answer questions.

JUDGE NACHMAN: I don't believe it makes any difference.

MR. ZOLOT: I think it does.

JUDGE NACHMAN: You're entitled to your opinion. I'm ruling otherwise.

MR. ZOLOT: Well, we are claiming that if there were any referrals made, they were welders. This witness is saying that people who he knows are non-welders were referred. Now, we can't come back --

JUDGE NACHMAN: I will not require him to disclose the identity of those individuals. I don't think it's material.

MR. ZOLOT: All right, as long as Your Honor believe it's not material, I won't press it, but if it's relevant, I do think we have the right --

JUDGE NACHMAN: I don't think it's material.

MR. ZOLOT: All right. Fine.

Q. (By Mr. Zolot) Now you were sent out as a gas fitter, weren't you? A. In April, yes.

Q. And you worked there how long? A. I think I was at the job two months.

Q. Did you tell Mr. Quinn that you wanted more gas fitters work? A. Did I? Yes.

259 Q. And what did he tell you? A. He said, "Right now, we don't have anything." He said the job was stopped because of material and it should pick up again in September.

Q. Did you go back in September? A. I was going through this.

Q. You weren't working were you? A. I was told to keep away from the union hall.

Q. You weren't working? A. I beg your pardon?

Q. You were not working? A. No.

Q. Let's go back to August. When you came into the office, you say -- question withdrawn. There came a time, I take it, that you asked for an application for membership, is that right? A. Yes.

Q. When? A. In July.

Q. Under what circumstances? A. That I had heard -- under that circumstances what?

Q. How did it happen you asked for an application? A. I had heard that they were giving out applications on the job site.

260 Q. So you came down and asked for an application? A. I called the steward on the job -- if I could get an application and he said, "See Ninny," and I, in turn, the next morning went down to the union hall and asked for an application.

Q. Were you given one? A. Yes, I was.

Q. Was there any discussion at that point? A. At that point, he did say, "I will not process these with the rest of them."

Q. Did he tell you why? A. He mentioned something about a letter from the UA, but that's as far --

Q. That's all you can remember? When did you return the application? A. In July.

Q. And was there any conversation at that point? A. Yes.

Q. What was the conversation at that point? A. Do you want me to start from the beginning?

Q. The whole conversation, to the best of your recollection. A. I walked into the office with the application. Mr. Impellitteri was there with Mr. Delaporta. I gave him the application and he said, "I told you I won't process these with the rest of them," and I said, "All we want, Ninny, is a fair chance," and he started -- I asked him if he had anything against us and he said, "I got nothing against you
261 guys. You give an honest day's work. I'd rather have you guys in the Local than half the other bananas I have to take in," and then he proceeded to open my application and check the dates. I had submitted an affidavit with my application and he asked me from Ebasco to -- from job to job and then he was going back and forth between Bartolucci and I and said, "Well, to hell with this," so he called Mr. Dick Moran in the Pension and he asked for our hours, send them down and when he hung up, I asked him if he was doing this -- screening the other ninety-three the same way and he said, "Don't tell me how to run my job."

Q. Now, I show you a document which is dated -- entitled "application for membership," and ask you whether or not this is the document --

JUDGE NACHMAN: Have it marked first, please.

MR. ZOLOT: I will

JUDGE NACHMAN: Mark it so that the witness will know what he's talking about.

(The document above-referred to was marked Respondent's Exhibit No. 1 for identification.)

Q. (By Mr. Zolot) I show you a document which has now been marked as Respondent's Exhibit No. 1 for identification, an application for membership in the name -- Anthony D. DiMella and ask you whether or not that's the document to which you referred? A. Yes, it is.

MR. ZOLOT: May I offer this as a full exhibit, Your Honor?

262

JUDGE NACHMAN: Any objection?

MR. ZOLOT: Your Honor, may we substitute a copy for the original?

JUDGE NACHMAN: I want to find out, first, if there's any objection.

MR. ROSEMERE: I have no objection.

JUDGE NACHMAN: All right, the exhibit will be received.

(The document above-referred to, heretofore marked Respondent's Exhibit No. 1, was received in evidence.)

JUDGE NACHMAN: You want to substitute a copy for the original?

MR. ZOLOT: Yes, Your Honor.

JUDGE NACHMAN: All right, the substitution is granted.

Q. (By Mr. Zolot) Now Mr. DiMella, in response to the number of years you were a journeyman, you put down sixteen years. Were you a journeyman for sixteen years in the building trades?

JUDGE NACHMAN: What portion are you referring to? Oh, I'm sorry, I see it, under the heading, "Experience."

Q. (By Mr. Zolot) Did you have sixteen years experience as a pipefitter in the building construction trade? A. I didn't know this was a building -- I don't follow you. I put down sixteen years where it said, "journeyman -- years and months." I fail to see where it says building trades or metal trades or any other trade, on the application. That's probably why I put down sixteen and eleven.

263 Q. Have you been a journeyman for sixteen years in any trade? A. Yes.

Q. What trade have you been a journeyman in? A. I've been a journeyman in boilermaker, for which the classification of rigger comes under, for ten, twelve, eleven years.

Q. I thought you were a rigger, class one? A. Rigging, under contract and jurisdiction at Electric Boat, comes under the boilermaker international.

Q. That's not in the building trades contract, is it? A. No.

Q. And you knew you were applying here, didn't you, in the building trades? A. Yes.

Q. And when you talk about journeyman, you know what a journeyman is in the building trades, don't you? A. It doesn't say a building trades journeyman. I've been a journeyman, --

MR. ROSEMERE: Your Honor, we're engaging in argument at this point.

JUDGE NACHMAN: You are engaging in argument. The witness has explained what he meant by that and it's a valid explanation.

Q. (By Mr. Zolot) Now, when Mr. Impellitteri talked to you, he said to you you only have two years and nine months of experience

264 in the building trades, didn't he? A. I don't know what his exact words were.

Q. Did he say something similar to that? A. To that effect.

Q. And he said you did not have five years? A. He did not say five years. He said, "as near as I can figure, you have two years and et cetera, et cetera."

JUDGE NACHMAN: Two years and what?

THE WITNESS: I don't know whether he said two years and nine months or whatever the months were.

JUDGE NACHMAN: Did he mention building trades?

THE WITNESS: No, sir, not to my knowledge.

Q. (By Mr. Zolot) Didn't you ask him what he meant when he said you didn't have -- A. I said, -- No, I asked him how come the ninety-three other applications aren't being processed this way a nd he said, "Don't tell me how to run my job."

Q. Didn't he tell you you had to have five years to qualify? A. I don't recall the exact words he used.

Q. Well, did he say something similar to that? A. He said something similar to that because this is why -- then I told him about my affidavit to verify what I lacked and he said, "I never heard of this and I can only give you one year," and I said, "One year out of twelve? You've got to be kidding."

Q. Did he say he was going to give you one year for your
265 rigging experience at Electric Boat or did he say he'd give you nothing for it? A. He said one year.

Q. So you were talking about total years necessary and you knew that you had to have at least five years, didn't you? A. I was basing my application on the other ninety-three that were sitting on that desk.

Q. Did you know anything about the ninety-three -- A. Yes, I knew more than he thought I did.

Q. Well, tell us how did you know? A. I cannot divulge that information because of repercussions to Local men.

Q. You didn't have any knowledge of what was on those other applications, did you? A. That's not my answer.

Q. Do you have knowledge as to what was on the other ninety-three? A. I have knowledge of the other applications, yes.

Q. And to your knowledge, -- what is the source of your knowledge? Let's start with that. A. I just told you I can't divulge the nature of the information because of repercussions.

JUDGE NACHMAN: Let's see if we can get this straight. Have you seen any of those ninety-three applications?

THE WITNESS: Actually seen them, Your Honor? No, sir.

266 JUDGE NACHMAN: You don't know what is on them?

THE WITNESS: No, sir, I don't know what's on them.

JUDGE NACHMAN: All right. That's the question.

MR. ZOLOT: Yes, Your Honor, that is the question.

Q. (By Mr. Zolot) Now, you came in on August 6th, after you had put in your application and after you were told that you didn't have the qualifications, to apply for membership, to sign a roster, is that correct? A. I came in on August 6th to sign the roster, yes.

Q. Now, how did you learn about the roster? Who told you about it? A. Mr. Polcaro.

Q. And when did he tell you that? A. July.

Q. Well, why didn't you ask to sign the roster in July? A. I don't know.

Q. All right. When you came in, you saw Mr. Quinn and you asked him to see the referral provisions of the contract? A. I asked him first for a job.

Q. Did you ask to see the referral provision? A. Then I said, "Is there a referral list that I could sign."

Q. That's not my question, sir. Did you ask him to see the referral provision of the contract? A. No, sir.

267 Q. You asked him to sign the referral list? A. I asked him if I could sign the roster.

Q. And what did he say to you? A. He didn't say anything. He pulled it out of the top drawer of his desk and put it on the desk.

Q. And what did you do? A. I looked at it and, in the meantime, this man came in --

JUDGE NACHMAN: You ultimately signed it?

THE WITNESS: No, sir, not then.

JUDGE NACHMAN: Not then?

THE WITNESS: No, sir.

Q. (By Mr. Zolot) What did you do? A. We looked at the names because we were very shocked to see one and then, like I said, this other man came in and he did his transaction and then he left and Mr. Impellitteri came in and he sat down and I asked him what happened to my application and he said, "I told you I'm going to put it before the body," and I said, "Can we sign this roster," and he said, "Yes," so we put our names on the roster.

Q. Are you sure you asked Mr. Impellitteri -- A. Yes, I'm sure I asked Mr. Impellitteri if I could sign the roster.

Q. Are you sure of that? A. Yes.

Q. I suggest to you, sir, you had already signed it when

268 Mr. Impellitteri arrived. A. I asked Mr. Impellitteri if I could sign the roster before I signed it.

Q. That's your testimony? A. That is my testimony.

Q. Now in your affidavit -- question withdrawn. I take it that you feel that, among other things, that because Mr. Impellitteri's

brother is working, that the union is discriminating against you? A. Not for that reason alone, no.

Q. Well, is that one of your reasons? A. That's one of them.

Q. Now, has Mr. Impellitteri's brother been working on the same job you were working on? A. Yes, he was.

Q. And had he continued to work on that job? A. I left in January. I don't know.

Q. Do you know anything about the wild cat strike that was there? A. Yes, I do -- no, I'm sorry, only what I've heard.

Q. You don't know why Mr. Impellitteri's brother is continuing to work while you're not working? A. I don't know.

Q. Well, you said in your affidavit, "I know of several people, including the BA Impellitteri's brother, who has had less actual work experience than I have and are presently at work."

269 A. This was in August you're talking about.

JUDGE NACHMAN: What is the date of that affidavit?

MR. ZOLOT: August 24th, 1973, Your Honor.

Q. (By Mr. Zolot) Now did you know why he was working while you were not working? A. Because he was his brother.

Q. Do you know? A. That's my answer.

JUDGE NACHMAN: That's the conclusion you draw?

THE WITNESS: Yes, sir.

Q. (By Mr. Zolot) Do you know how much experience Mr. Impellitteri's brother had? A. In what?

Q. Working as a pipefitter, steamfitter, plumber? A. Yes and no. I remember, I would say three years ago, well let's say four years ago, no more than that, he was a cabinetmaker and I went up and got some cabinets done from him.

Q. Is your answer you don't know? A. I told you.

Q. You don't know? A. I do know he was a cabinet maker --

JUDGE NACHMAN: He does know that four years ago, he was a cabinet maker.

Q. (By Mr. Zolot) That was four years ago? A. I don't
270 know whether it was three or four years ago, he was a cabinet maker three or four years ago when I had some stuff made from him.

Q. Do you know whether he was given an application for membership in July of 1973? A. Do I know for a fact that he wasn't given an application?

Q. Whether he was given an application or not? A. I don't know.

Q. Do you know whether or not he was admitted in the group of ninety-three? A. He was not.

Q. Have you ever completed an apprenticeship as a journeyman in any trade? A. No, sir. There wasn't any.

Q. Sir? A. No, sir.

Q. Have you ever read the collective bargaining agreement referral provisions? A. No, sir.

Q. Why not? A. I never had any reason to.

Q. Were you interested in knowing the terms and conditions under which you could be employed? A. Yes, but I was a permit man and you don't ask questions like that.

Q. You didn't ask for a copy of the collective bargaining
271 agreement? A. Definitely not.

Q. Did Mr. Polcaro tell you that there was an agreement? A. Pardon?

Q. Did Mr. Polcaro tell you there was a collective bargaining agreement? A. No, sir.

Q. Do you know how the terms and conditions of your employment were established? A. How they were established? Certainly.

Q. How were they established? A. Through a negotiated contract.

Q. So you knew there was a collective bargaining agreement governing your employment? A. Yes, sir, I did.

Q. And you never asked for a copy of the collective bargaining agreement, did you? A. No, sir.

Q. You weren't interested in the terms and conditions? A. It wasn't that.

Q. Well, had you ever applied for a hearing before the Joint Hiring Committee? A. No, sir.

Q. Didn't Mr. Polcaro tell you that if there was any dispute concerning your qualifications that you could go before this

272 Joint Committee? A. Mr. Polcaro?

Q. Yes, sir. A. No, sir.

Q. Well, Mr. Polcaro told you how to get a job. He got a job for you and when you had any questions, didn't you go to him to ask him the answers to these questions? A. I wanted a job. That is all I ever asked for. I never asked all the time to get into the union. I never tried to get involved in any union discussions. Where there was a union meeting going on at a job, I always tried to walk the other way because I was a permit man and it was none of my business. I was told to go on the job and keep my nose clean and that's exactly what I tried to do.

Q. You wanted a job, irrespective of your qualifications? A. I wanted a job. I figured my qualifications were good enough.

Q. That's what you figured? A. That's what I figured, yes, sir.

Q. Now, did you put those qualifications on the line by an examination? A. I put it on the line on the first time that I applied for application for membership and that was the only time that I was ever asked about my qualifications, was when I picked this up.

273 Q. And it was rejected? A. To the best of my knowledge, I don't know where it stands right now.

JUDGE NACHMAN: Were you ever told that it was rejected?

THE WITNESS: No, sir, other than it was presented to the body at a meeting and it was sort of like tabled until they find out how we make out with the National LaborRelations Board and this again is on a hearsay by members of the Local who were present at the meeting which I cannot divulge their names because of repercussions.

JUDGE NACHMAN: Well, nobody from the Union ever told you that it was tabled?

THE WITNESS: Yes, sir, that's what I said.

JUDGE NACHMAN: Did anyone officially from the union --

THE WITNESS: An officer?

JUDGE NACHMAN: Mr. Impellitteri, Mr. Quinn --

THE WITNESS: No, sir.

JUDGE NACHMAN: No one of those ever told you it was tabled?

THE WITNESS: No, sir.

* * * * *

277 VICTOR J. BARTOLUCCI

was called as a witness by and on behalf of General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q. (By Mr. Rosemere) Mr. Bartolucci, will you give your name and address please to the reporter? A. Victor J. Bartolucci, 46 McKenzie Road, Waterford, Connecticut.

Q. What is your occupation at present, Mr. Bartolucci? A. Pipefitter.

Q. Where? A. General Dynamics, Electric Boat.

Q. Do they have classes there? A. Yes.

Q. What class are you? A. First.

Q. And how long have you been working as a first class pipefitter at Electric Boat? A. October 9th, I believe, 1973, approximately two months.

Q. Did you ever obtain employment through Local 305? A. Yes, sir.

Q. When did you first start to work through Local 305? A. I would say mid-August, 1969.

278 Q. How did you get work through Local 305? A. Through Mr. Impellitteri, the Business Agent. I made a telephone call. I was given the number to call at approximately eight-thirty, nine o'clock in the morning. I reached Mr. Impellitteri by telephone and he said to me "we're starting a night shift at Millstone and I understand you need a job," and I said, "That I do."

JUDGE NACHMAN: You called Mr. Impellitteri?

THE WITNESS: Yes. I was given his telephone number to call.

JUDGE NACHMAN: Had you known him before --

THE WITNESS: I first met Mr. Impellitteri in 1956, nothing to do with union or work or anything like that, socially. I've known him since 1956 socially and for the record, I'd like to say that

Mr. Impellitteri and I both have a mutual friend that we've very close with. He was the best man when I got married and he's a close friend of Mr. Impellitteri and this is how we met. When I made that telephone call, he explained to me about starting a night crew and I said, "everything sounds fine to me," and we were on a first name basis and he said, "Jerry Delaporta is the steward on the job. You'll meet him about quarter of four at the main gate and he'll take it from there." "Thank you very much," and this was, like I said, mid-August, 1969. From that point to January 5th,1973, everything was beatiful.

279 JUDGE NACHMAN: You worked on that same job --

THE WITNESS: No, sir. I worked about six or seven different jobs, but always put to work through Mr. Impellitteri.

Q. (By Mr. Rosemere) So about August, 1969, Mr. Impellitteri, as a result of your telephone call to him, referred you to a job, is that right? A. That's right.

Q. What was that job? A. Unit One, Northeast Utilities, Millstone and Ebasco was the Contractor.

Q. What kind of work did you do out there? A. What kind of work did I do out there?

Q. What did you do on the job? Please describe for us what you did on the job. A. I think I did a little bull work, a little rigging work, a little pipefitting work, a little grinding work. I beveled some pipe. Towards the end of the job, I mostly did grinding for welders, power grinders, wire brushing, I worked and the foreman's name was Ralph Cuhn. It was approximately seven and a half months that I worked there and it was all night. I didn't get off the night crew. I would honestly say I think I did a little bit of everything, from going and getting and operating, with

the engineer, a tray -- a cherry picker to bring in a piece of pipe, but it up on temporary hangers to whatever the foreman told me to do.

280 Q. Do you recall your rate of pay at that time? A. My rate of pay?

Q. Yes.

JUDGE NACHMAN: The testimony is that all these people were paid the same rate. Is the rate of pay really material?

MR. ROSEMERE: Can we establish one way or the other at which rate this man was classified?

THE WITNESS: I think when we started, we were getting $5.75 an hour and the contract expired a few months after the present contract that they were working on -- it expired a few months after I was hired on and it went from $5.75 to --

JUDGE NACHMAN: The question now is what was your classification?

Q. (By Mr. Rosemere) Were you a pipefitter, welder, steamfitter? What we're trying to establish on this particular job, Mr. Bartolucci, what was your classification? A. Pipefitter.

Q. When did that job terminate for you? A. February of '70.

Q. Do you know the reason for termination? A. Lack of work.

Q. Was this a lay off? A. Yes.

Q. And what did you do after your lay off about getting addi-

281 tional work? A. I called Ninny -- no, I take that back. I didn't call him. I went up to see him.

Q. That's Mr. Impellitteri? A. Yes.

Q. And where did you see him? A. At his office.

Q. That was -- A. The Union Hall, the Carpenter's Local on Board Street in New London. And I would say three to four weeks after I got laid off, he gave me another job.

Q. In that three or four week period, how many times did you see him or speak to him about work? A. Twice, the most, I'd say -- the first week, I was laid off, I didn't make any attempt to contact him at all. It was more or less like a vacation, if you want to call it that. I didn't go anywhere, but --

Q. I take it, as a result of your contact with Mr. Impellitteri, you were referred to another job, is that correct? A. Yes.

Q. And what was the other job you were referred to? A. I went to the Montville Power House, Montville Power Station up there. I can't think of the name of the outfit. I worked about three or four weeks. I don't remember the name of the contractor, but from there, after that little job was done, it was about a six

282 man crew and when that little job was done, the steward on the Bechtel job, whose name was Mr. Uguccioni, -- we would pay our dues, when I was working on the subcontracting job, to Mr. Uguccioni, who was a steward of the addition to the Bechtel job -- okay -- he came over and he told the couple of welders and fitters that were only going to keep a couple and so on and so forth, so he said, Monday morning, report to Bechtel." The process was just about the same as when we were working for the other contractor, we went through the same gate and it was just that we had to stop at the gate and put on the payroll and given a number and so on and so forth with Bechtel.

Q. Now what kind of work were you doing during that period? A. A little bit of everything really -- some rigging, some hanging work, some grinding, some fitting. We worked on the condensors, the valves. I told you I worked on a couple of gangs up there and the

only way I can put it to you is this way -- when I first went to Montville, and I'm talking Bechtel now, I went to work and I worked for a foreman named Truchan and he had a certain job and then the job started getting more men and more men and more men and they made more bosses and made more gangs and the job was starting to spread out, so to speak, and I went to work for a man, Jules -- I can't even think of his last name -- and his phase of the operation was a little bit different than what I was on, but actually the category or to say what I actually did --

283 Q. What classification were you when you worked there? A. What classification of job?

JUDGE NACHMAN: What classification was it?

THE WITNESS: Any job that I held from August of 1969 through Local 305, I was always hired as a pipefitter.

Q. (By Mr. Rosemere) All right. Now when did that job terminate? When I say, "the job," I mean the job for you? When did your employment end? A. I'd say about October.

Q. Of what year? A. Of '70.

Q. And what was the reason for termination? A. Lack of work.

Q. What did you do after that to get more work? A. The same procedure -- call up --

Q. How did you get in touch?

JUDGE NACHMAN: Well, the witness hasn't answered the question.

THE WITNESS: The same procedure -- contact the business agent.

Q. (By Mr. Rosemere) All right, where? A. Well, either at his office or at our so-called mutual friend's place of business.

Q. Now as a result of these appeals to Mr. Impellitteri,
284 applications to him for referral, what resulted? A. The man never refused me.

Q. Did you get work after that? A. Yes.

Q. Did he refer you work? A. Yes.

Q. When? A. Well, it would vary. Two or three weeks sometimes.

JUDGE NACHMAN: Just a minute. Can you recall -- can you give us the date he referred you to the next job?

THE WITNESS: Yes.

JUDGE NACHMAN: And where that was?

THE WITNESS: I went back on a shutdown, repair job, at Millstone Unit Number One under Mr. Polcaro's supervision, I'd say the first of December and I worked that job until about either the middle or the end of January of '71.

Q. (By Mr. Rosemere) All right, and what kind of work did you do during that period? A. Pipefitting.

Q. That's what you were hired as? A. Yes.

Q. And what job was that? A. Well, it was Unit One at Millstone.

Q. All right, Unit One, Millstone. What was the reason for the termination of your work there? A. The job was completed, lack of work.

285 Q. What did you do after that about getting more work? A. Same procedure -- contact Mr. Impellitteri.

Q. And were you referred out again as a result of your contacting Mr. Impellitteri? A. Yes.

Q. And when were you referred out after that? I think it was your testimony that this job we just discussed ended in January of 1971. Now, in relation to that date, when were you referred

out again? A. I think it was February or March. I forget which now, of '71. I went to the shopping center job in Waterford.

Q. The shopping center job -- A. For York. Baystate York was the contractor. They had the refrigeration phase of a job for the shopping center, the supermarket, you know.

Q. Were there other pipefitters over there on that job from Local 305? A. Yes, there was. It was set up this way -- there were some Local pipefitters working for the contractor doing the plumbing work for the shopping center, and then there was three men out of Local 305 that went to work with Baystate York and I was one of them.

Q. You were one of the three? A. Yes. I was the first one sent up.

Q. Will you tell us what kind of work you did over there for
286 Baystate York? A. Well, here again, I was sent up there to unload a couple of trailers of tubing and I lasted about seven months through the job. Ninety percent of what we did up there was all copper tubing --

MR. ZOLOT: I'm sorry. I didn't hear that.

THE WITNESS: Ninety percent of the work performed at Baystate York involved tubing, copper tubing. There were machines, motors, different equipment that had to be installed that, I, at the time, didn't think was pipefitting work, but learned quickly how to get involved in that sort of thing.

Q. (By Mr. Rosemere) I'd like to know what you did on that job, Mr. Bartolucci. A. What I did on the job? I set the tubing --

Q. You what? A. I set the tubing in the hangers, all different sizes, cut it, set it, cleaned joints, set the motors and elevations, made sure they were level. As the job proceeded, I tied into the refrigeration components in the supermarket, frozen

foods, ice cream, deli, all the way down the line. I was the first man on the job and the last one laid off, so I would have to say, from start to finish, just about everything that it involved.

Q. Were you and the other two fitters working from blue prints or plans as we have used the expression here?

A. At times.

287 Q. Who was working from the plans? A. The foremen with the job who was sent down from the home office in Boston, I believe, Baystate York and he's the man who can tell you what he wanted done.

JUDGE NACHMAN: Did he have the plans?

THE WITNESS: Yes. He's the one that had the plans.

Q. (By Mr. Rosemere) Was there a test conducted at the end of the installation of the system? A. Yes.

Q. Were you present during that testing? A. Yes.

Q. Were you involved in the testing? A. Some.

Q. Now, there's been talk, of course, here today about the manner in which pipes are joined. We've talked about welding joints. Now, how were these joints put together on that refrigeration job that you were on? A. Soldered.

Q. Soldered? Do you know what kind of solder? A. Silver solder.

JUDGE NACHMAN: Did you do that?

THE WITNESS: Not to the components. The only person allowed to do any soldering at all to the actual components -- in other words, regardless of what section of the store it was in, was this foreman from Baystate York. No one touched that at all.

288 JUDGE NACHMAN: What about the tubing outside of the components?

THE WITNESS: The crew that was hired did it.

JUDGE NACHMAN: You, among others, did it?

THE WITNESS: Yes and I, myself, did it, yes.

Q. (By Mr. Rosemere) And when did that job end, Mr. Bartolucci for you? A. For me? July, I believe. Around the middle of July, 1971, I guess.

Q. Was it the same year that you reported to that job? A. Yes. I started there around February and I got through around July.

Q. What was the reason for the termination there? A. The job was completed.

Q. What did you do after that about getting additional work? A. I contacted Mr. Impellitteri.

Q. As a result of your contact with Mr. Impellitteri, what happened? A. Well, this time I was out of work a little longer. It seemed there were some book men that had to be placed --

JUDGE NACHMAN: This is a conclusion of the witness. It's not evidence.

THE WITNESS: Well, it was what I was told.

JUDGE NACHMAN: Who told you?

THE WITNESS: Mr. Impellitteri when I contacted him.

289 JUDGE NACHMAN: All right. Tell us the conversation you had with Mr. Impellitteri.

MR. ZOLOT: And when, sir?

JUDGE NACHMAN: Yes, and when it was.

THE WITNESS: I'll say maybe around late July --

JUDGE NACHMAN: 1971?

THE WITNESS: Right.

JUDGE NACHMAN: Tell us what you said to Mr. Impellitteri and what he said to you.

THE WITNESS: I said, "Hi, Ninny, you got a job for me?" and he said to me, "Right now it's a little tight, kid, but hang on. We've got a few book men we've got to take care of. We've got to place them." I can't tell you word for word what he said, but he said, "Things will be looking up. Hang in there." I take the man for his word, and I did -- I hung in there. I was called back to Unit One for Champion Construction about the end of August --

JUDGE NACHMAN: '71?

THE WITNESS: Yes, which would be approximately five or even six weeks after I got laid off from the Baystate job.

JUDGE NACHMAN: Who called you?

THE WITNESS: Mr. Impellitteri.

JUDGE NACHMAN: He dispatched you to that job?

THE WITNESS: Yes. He called me and he told me that Champion had a small job out there. It's probably only a week or
290 maybe two, so I went out there like he said and it was a short job. It lasted, I think, about eleven or twelve days. I got laid off from there and, in September, I started with Bechtel Unit Two.

JUDGE NACHMAN: How did you happen to start there?

THE WITNESS: The same way.

JUDGE NACHMAN: Mr. Impellitteri referred you?

THE WITNESS: Mr. Impellitteri referred me, told me to meet Jerry Delaporta, the steward, at Unit Two, the main gate and that's what I did.

Q. (By Mr. Rosemere) All right. Now, what did you do on that job at Bechtel Number Two, which you say you started on in September, 1971? A. I don't understand.

Q. Well, what did you do out at Bechtel Number Two when you went out there, Mr. Bartolucci? What kind of work did you do? A. The same kind of work that I've done since I started -- pipefitting.

Q. Was it any different from the type of pipefitting you had done before? A. Yes and no. Mr. Rosemere, if I can say something that I'm not quite sure of -- when pipefitting -- my opinion of pipefitting may differ from others, but I have worked on certain jobs where I have done some grinding, some rigging, I've fitted pipe, beveled pipe. I've made temporary hangers. I've
291 done my share of bull work. I've worked countless numbers of phases of the trade and I just find it hard to say that a pipefitter just takes a piece of pipe and puts it into a flange or into an elbow or a tube turn or goes from one piece of pipe to another. To me, there's so much involved in the word, "pipefitting." Now I'm not saying I'm right, but that's my opinion.

Q. That's precisely our problem, Mr. Bartolucci. We'd like to have the benefit of knowing just what phases of the pipefitting trade you were engaged in. A. Right.

Q. We'd like to know, first of all, at Bechtel Number Two, starting in September, 1971, can you tell us the type of pipe you worked on, what metal it was or what sizes and just what you did by way of installing on that job? A. Well, I started there and my foreman was a man by the name of Cosmo Polcaro. He had what they call a hanger gang. I worked up in the fab shop area for about six weeks or so --

JUDGE NACHMAN: What did you do up there?

THE WITNESS: We were burning angle irons, cutting plates, getting material ready to go into the building for temporary hangers for pipe that was going to be installed, all different sizes, took all the material down into the building, the auxiliary building where we were working, and I believe it's -- as I remember, there were four levels in that building and we would get a rough blue print from
292 Mr. Polcaro or our foreman, Cosmo -- Coco was the name

he was called -- and we would pair it off for the welder. He would give you two or three and you'd just find your location off of columns and go do your job. The next day, you'd see a piece of pipe come floating in and up it would go. The hangers were there and when permanent hangers would come in, we would put the permanent hangers on location, burn the old ones down and take it from there.

Q. (By Mr. Rosemere) And during this time you were working in pairs, is that correct? You said you were working in pairs? A. I had a welder, Robert Stantion, who was my welder from day one to day one, that is, from the time I started to the day I finished.

JUDGE NACHMAN: You worked with him alone?

THE WITNESS: I was hired on the same day with him --

JUDGE NACHMAN: You were only with him?

THE WITNESS: Yes. Ninety-nine percent of the time. If you were doing a job and another welder needed a hand, you'd jump over, but primarily he was my welder and I was his fitter.

Q. (By Mr. Rosemere) You mentioned burning a minute ago. Did the welder do burning or did you do burning? A. Well, the welder burned down the permanent hangers and I would grind slag, the existing slag that was left after you burned a hanger down.

Q. Now when the foreman gave you instructions, did he give them to the welder, did he give them to you or did he give them
293 to you as a pair? A. No, the foreman would give me the print. Now, I want to clarify, "print" --

JUDGE NACHMAN: Just answer his question first. The foreman gave you the print?

THE WITNESS: Yes.

JUDGE NACHMAN: And you would go along with the welder?

THE WITNESS: Yes.

JUDGE NACHMAN: And between the two of you, you'd put the pipe in place and he'd weld it in?

THE WITNESS: The hangers in place, sir.

JUDGE NACHMAN: The hangers?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) So this welder accompanied you when you were carrying out the instructions given to you by the foreman, is that right? A. Yes.

Q. Now you mentioned this hanger operation. Did you do anything in addition or beyond the hanging operation? A. Yes. I guess it was about November, they pulled Mr. Polcaro's crew off and they put them on temporary heating, which we were on for maybe four to six weeks, I guess, and when that was done, he had a certain area to do and he tied into another crew. He had a certain point to go to, let's put it that way, and when he got to his point,

294 there was another crew that picked it up from there, or working back to meet his --

Q. So you were working on this temporary heat? A. Yes.

Q. So what were you doing by way of working on the temporary heat? A. Rigging, grinding, and fitting.

Q. When you say, "fitting," what were you doing by way of fitting? Was it welding pipes, screwing pipe, was it soldering pipe? A. It was all welded. All joints are welded joints. There was no --

Q. This welder was still with you, is that what you're saying? A. Yes, the same guy.

Q. Now when did you leave that job? A. I'm pretty sure it was around the beginning of March of '72 because there was a big lay-off and I was included in it.

JUDGE NACHMAN: What was the reason for the lay-off? Lack of work?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) All right. Now, after the lay-off in March, what routine did you follow, if any, in order to get additional work? A. I followed the same routine then as I always have since I started working at Local 305 and that was to contact Mr. Impellitteri. I have never contacted anyone but Mr. Impellitteri
295 for a job.

Q. Did you contact him by phone or in person and where? A. No, I knew Mr. Impellitteri well enough to sit down and tell it to him -- ask him and he knows me well enough --

JUDGE NACHMAN: The question is -- did you contact him by Phone or go down to his office or how did you --

THE WITNESS: This time in particular, you're talking about?

Q. (By Mr. Rosemere) Yes. I'm talking about after March of '72, after the lay-off from Bechtel? A. I'd say I went down to his office.

Q. All right. Now, as a result of your contacting Mr. Impellitteri, what happened? A. Well, he told me that, again, things were a little tight, that he got some book men out of work, that things would be breaking shortly and hang in there. He made me feel that I would have a job in the future.

Q. Did you get work through Mr. Impellitteri after that? A. Yes.

Q. When? A. I'd say about six weeks later, he contacted me and told me to go over to the Sub Base. There was a job over there that was almost done, a new torpedo boat that was being built over there, some high pressure air. It was a new contract. I don't remember the name, it was out of Providence, Rhode Island.
296 Q. Did you go over there? A. Yes, I went over there. The job lasted about six weeks.

Q. What did you do while you were over there? A. Pipe-fitter.

Q. Any different from the type of pipefitting you were doing before? A. Not really. It was smaller pipe, but basically the same.

JUDGE NACHMAN: You still worked with a welder?

THE WITNESS: Yes, I was paired up with a welder.

Q. (By Mr. Rosemere) And how did you get your instructions as to what to do on that job? A. Went to the foreman of the job.

Q. Did he give you verbal instructions or plans or what? A. They had a table set up and there was a set of prints on the table and a couple of tool boxes there and they supplied all the tools and everything and the prints were there and he'd just say, "okay, we're going to run this line here," and there was a stopping point and the material was out on the side of the building and the welder and I would go out and get the material, put it up. We made our own hangers, hang the pipe, make the fit and the welder would tack it in place and take it down and the welder would weld it on the bench and put it back up.

Q. And then what would you do? Return to the foreman for additional instructions? A. No, because he gave you enough work
297 to keep you busy all day.

JUDGE NACHMAN: But you'd go back to the foreman the next morning?

THE WITNESS: Yes. If he had given you a system sometime, it might take -- a job that might take a day and a half or two, well, you didn't look for him until your job was done.

Q. (By Mr. Rosemere) And when it was done, what did you do? A. When the job was done?

Q. When that phase of the work that ran for one or one and a half days was done, what did you do then about doing additional jobs? A. You don't have to do nothing. He was right there. He'd just tell you what he wanted next.

Q. He would be on hand to give you additional instructions, is that what you're saying? A. He was right there on the job every morning.

Q. And that job lasted for how long? A. It wasn't long -- six or seven weeks, I guess at the most.

Q. And did you do what you had done before in order to get work after that job ended? A. Yes.

Q. And when was the next job that you started?

JUDGE NACHMAN: Excuse me. Let's take a ten-minute break.

(A short recess was taken.)

JUDGE NACHMAN: Back on the record.

298 Q. (By Mr. Rosemere) Mr. Bartolucci, I believe we were talking about a job that you were on that ended for you in May of 1972. Do you recall the last job that we were discussing before the break? A. Yes, sir, it was at the Submarine Base in Groton, Connecticut.

Q. All right. Now after that, did you go to Mr. Impellitteri again as you had been accustomed to do before? A. Yes.

Q. As a result of your contact with Mr. Impellitteri, were you referred to another job? A. Not right away.

Q. When was your next referral? A. Early in September.

Q. Of 1972, that same year? A. Yes.

Q. Where did you go? A. I went to the repair job, Unit One, Millstone Point, Ebasco contractor.

Q. How long did that job last for you? A. January, 1973, January 5th.

Q. And what kind of work did you do from September to January 5, 1973? A. Pipefitting.

Q. And what was the reason for your termination at that
299 job? A. Lack of work.

Q. Now after your lay-off from that job on January 5, 1973, what did you do about getting work? A. The first week to ten days, nothing, just free time, I guess you'd classify it as.

JUDGE NACHMAN: You were just kind of taking a vacation?

THE WITNESS: Yes. Stay at home vacation. After that, I started contacting Mr. Impellitteri at the Union hall or at the garage or wherever I'd bump into him, a couple of times on State Street here in New London or what have you.

Q. (By Mr. Rosemere) Were you alone or were you with anybody? A. At the time I'm speaking of now, I was alone, and I would ask him and he would say to me, "It's like this, kid, I've got some book men out of work." He said, "As soon as there is a spot, you've got it." So I'd say I was out of work about five, maybe six weeks. I got ahold of Tony DiMella on the telephone and it was a Monday morning. We were into February, I'd say maybe around the middle of February now, beginning to the middle of February and we went up there together, the first time, we went there together.

JUDGE NACHMAN: You went up where?

THE WITNESS: To his office on -- Union Hall, Carpenter's Hall.

Q. (By Mr. Rosemere) Who did you see up there?

JUDGE NACHMAN: You mean to Mr. Impellitteri's office?

300 THE WITNESS: Yes, to the Business Agent's office, to see the Business Agent.

Q. (By Mr. Rosemere) Can you estimate for us the frequency with which you went to the hall once you and Mr. DiMella started going up there together? A. In the beginning, I would say we averaged once a week. There were times when we went up there when he wasn't in. I remember one time specifically, he was away for the week. I don't remember where it was, but he was -- we was told that he wouldn't be in that week or he was away, out of town on business or something like that, to the best of my memory, for the week. After that, I would say maybe now into March, started contacting him more often.

Q. Where? A. At his office. I talked to him with Mr. DiMella at his office. I talked to him on my own in places other than his office alone. I was told, when I would ask for work --

JUDGE NACHMAN: You were told by Mr. Impellitteri?

THE WITNESS: By Mr. Impellitteri, I was told, every time I went to his office, that, "at this point there are Local man, book men throughout the state, things are slow. I'm getting calls from other business agents to put men to work. I've even got men coming from out of state looking for jobs, book men." He told me and Mr. DiMella in the auditorium part of the union hall, away from -- the

301 same building, but out of his office, that he considered us good workers, never lose any time and he'd never had any complaint against us from the foremen, general foremen that worked for him. "If and when I can put permit men to work, you will be first."

JUDGE NACHMAN: When you say, "you," he meant the two of you?

THE WITNESS: He was referring to the two of us. We were sitting in the auditorium. Again I say, he has told me this before and the man has come through before in the past, that I would go back to work. I based my not working from January until --

Q. (By Mr. Rosemere) Wait a minute. We're interested in knowing about the conversation that you had when you contacted Mr. Impellitteri. I'm sure they're not interested in your opinions. If they are, they would solicit them. At any time during all your contacts with Mr. Impellitteri, from the time you started to get work through Local 305 up until the present, was there any discussion about your qualifications? A. Never. Never once. There was never a discussion about my qualifications. There was never a discussion about where I was going to go to work or when I was going to go to work. I asked for a job and I was given a job. Sometimes there would be two or three weeks -- there were some times when it was two or three months -- but any time I was told I would be the first one or hang on, that's what I always did.

302 Q. All right. At any time during this year, were you referred to a job from the hall?

JUDGE NACHMAN: You mean during 1973?

Q. (By Mr. Rosemere) During this year -- 1973? A. After January 5th you mean?

Q. Yes. A. I bumped into Mr. Quinn in May, the early part of May, and I told him -- I said -- I didn't know Mr. Quinn that well and I said to him, "You know, I haven't been working for five months," and he said to me, "I don't know how far along this job is, but if you want, there's a job up in Bridgeport for Anthony Juliani Construction Company. If you want the job, I'll call them and tell them you're coming," which he did and which I did. I went up to Bridgeport. When I went up there, they hired me and they also told me that the job was on its last legs and I worked exactly one week.

Q. What kind of work were you doing on that job? A. Gas pipe fitter.

JUDGE NACHMAN: What was this, repair of gas mains or installation of new --

THE WITNESS: Installation of gas pipe line. It was the redevelopment of Bridgeport that was undergoing redevelopment and they were putting all new gas lines in down this main road, main street and, as I say, I got there at the tail end of the job.

303 Q. (By Mr. Rosemere) I take it that was the only job that you were referred to this year, after January 5th? A. Yes, that's right.

Q. Now, did you ever sign a register at the hall? A. No, sir, I didn't. I take that back -- I did, yes.

Q. Do you know when? A. August 5th or 6th, something like that.

Q. All right. Let me show you General Counsel's Exhibit 4 and direct your attention to the third page and ask you if you recognize that sheet, August 6th? A. Yes, August 6th and that's my name and my telephone number.

JUDGE NACHMAN: Did you write that?

THE WITNESS: Yes, I did.

JUDGE NACHMAN: There's a line through -- drawn through that.

THE WITNESS: Yes, in red pen.

JUDGE NACHMAN: Do you know under what circumstances that line was drawn through?

THE WITNESS: No, I don't.

MR. ROSEMERE: May we go off the record a moment, Your Honor?

JUDGE NACHMAN: Yes. Off the record.

(Discussion off the record.)

JUDGE NACHMAN: Back on the record.

Q. (By Mr. Rosemere) I know you were present here, Mr. Bartolucci, when Mr. DiMella was giving his testimony. I'll try

304 to point out, at the risk of leading, which I hope to avoid, -- did you have a conversation sometime in June with Mr. Impellitteri in Mr. DiMella's presence with respect to work for maybe other men, other than yourself? A. Did I -- I don't understand your question.

Q. Well, do you recall a conversation in which Texas men were mentioned? A. Oh, yes I was there that day. I thought you meant -- I misunderstood --

JUDGE NACHMAN: Do you understand it now?

THE WITNESS: Yes. I was there. I heard that.

Q. (By Mr. Rosemere) Would you tell us who was present at that conversation? A. The business agent's office -- the business agent, Mr. Impellitteri, I guess he's the business manager, Mr. Quinn, Tony DiMella and myself.

Q. Can you fix a time for us? A. Between eight and eight-thirty.

JUDGE NACHMAN: He means the date, the day of the month.

THE WITNESS: Well, the middle of the month, I'd say.

JUDGE NACHMAN: What month?

THE WITNESS: Around the middle of June, towards the end of June somewhere in there. Everytime we went to the office, it was --

Q. (By Mr. Rosemere) Can you relate the conversation for us?

305 JUDGE NACHMAN: You're talking about this conversation with reference to somebody from Texas.

THE WITNESS: Mr. Impellitteri said to Mr. Quinn, "did the guy," -- whatever he called him -- "From Texas call," and the

answer was, to the best of my knowledge, anyway, "not yet." At that time, Tony and I looked at each other. Tony said, "Are you kidding me," or "Are you putting me on," something like that.

JUDGE NACHMAN: Who did he make that statement to?

THE WITNESS: Mr. Impellitteri. Let me put it to you this way, Your Honor -- to everybody in the room. "You're bringing in a guy from Texas?" And if I'm not mistaken, the answer that he got was something to the effect that the UA is a big, big outfit or a big, big -- I don't know the exact answer he got, but it was something similar to that.

JUDGE NACHMAN: It's a big operation?

THE WITNESS: It's a big operation. And I made the remark to Mr. DiMella when we left the office --

MR. ZOLOT: Objection.

JUDGE NACHMAN: That you cannot tell us about. Just tell us about anything, any discussion you had in Mr. Impellitteri's presence.

THE WITNESS: That's it. I heard him ask if the phone call or the man called from Texas and, "Not yet," was the answer and then DiMella made his remark.

Q. (By Mr. Rosemere) Now let me direct your attention to
306 August, the day on which you say you signed the register for the first time. Who was with you, if anybody, at that time?
A. When I signed the register.

Q. Yes. A. Tony DiMella and myself and Mr. Quinn. It was at his desk.

Q. Now, do you recall any unusual incident at the time you were in the office in the Local hall that day? A. Well, I recall, when we asked about this register which was the first time that we ever signed anything like that, that a man from Vermont -- and I can tell you he was driving a light colored station wagon with Vermont

plates on it because I seen the car pull up right in front of the Union hall and he got out and come in and produced a -- whether it was his book, his paid-up dues book, I don't know what it was, to Mr. Quinn and he was sent to Dow Chemical and he was given a little map of how to get there. Now this happened that day we went into sign the register.

Q. Now did you have this man under observation from the time he entered the hall until he left? A. I had him under observation when he pulled up in front of the place because I was standing by the window.

Q. I take it you were there before the man came into the hall? A. Guaranteed.

Q. And did the man leave before you or after you?
A. Before me.

307 Q. How long was the man in the hall? A. Five minutes.
A. Five minutes.

Q. And do you recall whether the man signed the register or did not sign? A. I don't believe he signed anything, no.

MR. ZOLOT: I move the answer be stricken since it's not responsive. It's "I believe," and, therefore speculative.

JUDGE NACHMAN: No. I think he's given his best judgment. He doesn't think the man signed anything. The weight of it is another matter.

MR. ROSEMERE: I have nothing further of this witness.

JUDGE NACHMAN: Let me ask you one question. When was the last time you talked with Mr. Impellitteri about work?

THE WITNESS: Early in August. It was the day we went to his office and turned in the applications for the Union.

JUDGE NACHMAN: The application for membership?

THE WITNESS: Yes, into Local 305, yes, and I remember saying to Mr. Impellitteri that morning that I would prefer a job over this. By, "This," I was referring to the application to the Local.

JUDGE NACHMAN: Was Mr. DiMella with you on this occasion?

THE WITNESS: Yes, you bet. He turned his in at the same time.

JUDGE NACHMAN: And what conversation did you have with Mr. Impellitteri on that occasion about work?

308 THE WITNESS: I asked him for a job and he said he didn't have any.

JUDGE NACHMAN: Did he say why he didn't have any?

THE WITNESS: No. He didn't give me the answer that he generally gave. He just said he had no work for permit men.

JUDGE NACHMAN: No work for permit men?

THE WITNESS: Yes, and I'm classified as a permit man.

JUDGE NACHMAN: Cross examine?

CROSS EXAMINATION

Q. (By Mr. Zolot) Mr. Bartolucci, did he say he didn't have any work, period? He didn't use the phrase, "permit men," did he? A. To me, he did, yes.

Q. On that day? He said permit men? A. That's right.

Q. Does he use the phrase, "permit men?" A. Occasionally.

Q. Occasionally. Doesn't he always use the phrase, "qualified men?" A. Mr. Impellitteri has never used the words, "qualified men," to me since I've been working with that Local since 1969.

Q. How does he refer to you? A. "Kid."

Q. Prior to 1969, did you work in the building trades in any

309 capacity whatsoever? A. In the building trades?

Q. Yes. A. No.

Q. Where did you work prior to 1969? A. Where did I work? Well, I worked one year for Whiting Machine Company. It's a machine shop in New London, Connecticut, maintenance and repair and I worked -- I went in the service. Then I came out and I worked for the Hartford Electric Light Company, which is the utility company, electric light and gas. I was classified as a meter reader. I worked in instaliations of gas meters --

Q. As a meter reader? A. I was classified as a meter reader, Mr. Zolot. I'm trying to explain something. You're not giving me a chance. I was classified as a meter reader and, in that classification, I worked in installations of meters, shutting off of meters and then, about the last three years, I was chief meter reader.

Q. When you shut off a meter, what do you do? A. We use pipe wrenches --

Q. You turn a valve, don't you? A. Right.

Q. To an, "Off," position? A. Right.

Q. And that takes a half turn, doesn't it? A. Right.

310 Q. And a seal? A. But it's still a wrench.

Q. And that's it, isn't it? That's the extent of your piping experience? A. No, not really.

Q. What else did you do there? A. I had some shop training on that job.

Q. Well, with respect to your shutting off the meters -- A. You mean into the homes?

Q. Yes. A. Installing new meters.

Q. What do you do to install a new meter? A. You take the old one out and put the new one in.

Q. What do you do? A. You make a disconnection and then you connect up a new meter.

Q. You take a wrench, don't you? A. Yes.

Q. And you fit the wrench onto the nut, is that right?
A. That's correct.

Q. And then you turn the wrench around a couple of times on the top of the meter and a couple of turns on the bottom of the meter, isn't that right? A. No.

311 Q. How do you do it? A. They're both on the top.

Q. They're both on the top? So you make two turns -- you take the meter down, is that right? A. After you shut it off.

Q. And you put the new one up and you put back -- you use the wrench to connect it again? A. Right.

Q. That's the whole extent of your piping experience as a gas installer, isn't it? A. Yes.

JUDGE NACHMAN: There's one more step, Mr. Zolot. After you put in the new meter, you turn it on.

MR. ZOLOT: Excuse me, yes, Your Honor. Then you turn it on again by opening a valve with the wrench with a half turn, is that right?

THE WITNESS: That's correct.

Q. (By Mr. Zolot) Now you talked about shop experience at HELCO? What did you do in the shop? A. I worked with a man named Neil Hayes. I was his helper for a while there and he taught me -- as well as other men -- how to install these meters --

Q. In the homes? A. Yes. In the shop and then you go out into the homes.

Q. And that's it? That's all you learned at the shop, isn't it?

312 JUDGE NACHMAN: Did you ever make an entire new installation of a meter, in other words, run a pipe from a gas main into the house?

THE WITNESS: No, sir.

Q. (By Mr. Zolot) You had nothing to do with piping systems, gas piping of any sort, or electrical piping for that meter?
A. No, it was different departments.

Q. And the meter reader goes out and reads the meters whether they are inside or outside the house, isn't that correct?
A. That's right.

Q. And, in the case of a commercial shop, wherever the meter is located? A. Yes.

Q. And that's your function, is that right? A. Right.

Q. What did you do after you got through with HELCO?
A. I went into business.

Q. What kind of business? A. Bar and restaurant.

Q. How long were you in that business? A. Four years.

Q. What happened to that business? A. Well, re-development came to New London and, among mine and many others, we were forced to close.

313 Q. When was that? A. '69.

Q. So it's fair to say, up to '69, you had no experience in what you call the pipefitting classification? A. I can't agree with that, I'm sorry.

Q. Tell me what experience you did have. A. Like I said before, I spent one year at Whiting's Repair and Maintenance.

Q. Repair and maintenance of what? A. Plant repair and maintenance.

Q. But it wasn't under piping systems, plumbing work?
A. Oh no, not all the time, no.

Q. Now, you also said that you are currently employed at General Dynamics? A. Yes.

Q. As a pipefitter? A. Yes.

Q. What department? A. What department.

Q. Yes. A. South Yard Pipe Shop.

Q. And is that part of the rigging department? A. No way.

Q. No way? When did you apply for that job? A. Late in September of this year.

Q. And did you tell your friend, Tony DiMella, about the
314 job being available? A. For me or him?

Q. Did you ever tell him the job was available? A. Available? No. I told him that I went to EB --

Q. And you had gotten that job? A. Yes.

Q. Did you tell him the kind of job you got? A. Yes.

Q. And what did he say about his going down there, if anything? A. To me?

Q. Yes. A. Nothing. He told me he went down there and he had his interview and he said to me, "They won't hire me as a pipefitter because they need riggers and they're classifying me as a rigger because of my past eleven, twelve, thirteen years," whatever time he worked there, which is a company policy, I guess. I really don't know. I'm not qualified to say.

Q. I don't want you to guess. A. Well, I'm not qualified to answer that question, Mr. Zolot.

Q. All I want to know is what he said. Now, have you ever completed an apprenticeship training course? A. No.

Q. Have you ever taken any courses on blue print reading? A. No.

315 Q. On the science of hydraulics? A. No.

Q. Pneumatics? A. No.

Q. Or general mechanics and physics? A. No.

Q. Have you done any installation of heating equipment in industry or homes? A. Installation of heating equipment?

Q. I'm not talking about power house. I'm talking about industry and homes? A. With the exception of my own home, no.

Q. Have you done any work in welding? A. No.

Q. What has been your experience in lead work? A. None.

Q. What experience have you had in power house piping? A. Power house piping?

Q. Yes. A. I don't fully understand the question, but I'll answer it as best I can. I have been involved in off gas systems. I've been involved in drainage systems. I've worked on condensers. I've worked in valves, which is a part of piping. I really don't know how to answer that question.

316 Q. Is that the best answer you can give me? A. Whatever job that the foreman I was working under had is what I did.

Q. Did you ever lay out or install a domestic hot water system? A. No, I did not.

Q. Did you ever install and test pressure of release valves? A. No.

Q. Did you ever cut, ream, thread, brass and galvanized pipe? A. Did I ever cut, ream and thread galvanized pipe?

Q. Yes. A. I don't know about galvanized pipe, but I've cut and reamed pipe.

Q. Have you ever tested for leaks under pressure? A. Yes.

Q. Yourself or just part of a crew? A. Well, part of a crew.

Q. Is it fair to say that prior to your going to work, you knew nothing about the plumbing and steamfitting business? A. "Nothing," is a wrong word. I won't agree to, "nothing."

Q. Very, very little? A. Little, but not very, very little.

Q. Now I take it from '69 to at least '73, you thought that Mr. Impellitteri was taking good care of you, even though you weren't a member of the Union? A. Yes.

Q. And even though you had not gone through an apprentice-
317 ship course and didn't have a license, is that right? A. That's right.

Q. Now sometime, apparently, in August of 1973, you changed your mind. Now, would you tell us what caused you to change your mind? A. Five and a half months of no work. Seeing people getting jobs in the town that I live in, getting jobs that, for the last three, three and a half years, I had been being sent out on myself, over the fact that I was constantly told by Mr. Impellitteri that I was a good workers, that as soon as he could put me to work he would, but yet constantly finding someone else getting the jobs ahead of me time and time again. I just -- it's got to end somewhere and that's where it ended.

Q. Tell me what person got a job, to your knowledge --
A. You mean the names of the individuals?

Q. Yes. A. Names, I can't give you because I don't know.

Q. Well, how do you know that anybody got a job?
A. Well, let me say this, Mr. Zolot, from the time I started working for Local 305, a lot of men that I worked alongside of, as well as in the same gangs, we came to be pretty good friends with these people on the jobs, as well as socially, and I won't divulge any names, but these men became friends of mine, even though I wasn't a Brother or a member of the Local, as they were, and I was told --
318 Q. I don't want to know what you were told, sir --

MR. ROSEMERE: Your Honor, counsel asked the witness a question --

JUDGE NACHMAN: You asked the witness what he observed --

MR. ZOLOT: That's what I asked.

JUDGE NACHMAN: He said he observed people around him getting jobs --

THE WITNESS: I observed people getting jobs. I observed a man from Vermont get a job ahead of me.

Q. (By Mr. Zolot) You saw one man from Vermont --

A. I know a fellow working --

Q. Tell me his name, please. A. No, I will not tell you his name.

MR. ZOLOT: Well, Your Honor, I move that you direct that this witness tell us the name --

JUDGE NACHMAN: I don't think it's material.

MR. ZOLOT: Sir?

JUDGE NACHMAN: I don't think it's material for him to give us the names --

MR. ZOLOT: Well, Your Honor, I cannot combat that information unless I have some --

JUDGE NACHMAN: I don't think it's very material, the identity of the individual --

MR. ZOLOT: I think it's very important --

JUDGE NACHMAN: He's speaking generally. He's talking about
319 the man from Vermont and when he heard about the man from Texas.

MR. ZOLOT: No, Your Honor, he's not talking about that. I wish he were, but he's not.

THE WITNESS: Your Honor --

JUDGE NACHMAN: There's no question pending before you right now. I will not require him to divulge any names --

MR. ZOLOT: Your Honor, I have to take an exception to that.

JUDGE NACHMAN: I told you you have an automatic exception to any adverse rulings.

MR. ZOLOT: I think, for the record, I should indicate I feel that I cannot respond properly without knowing the identity of the individuals concerned, if there are any such individuals.

THE WITNESS: Can I try to answer your question?

MR. ZOLOT: There's no question pending. You -- His Honor has ruled that you don't have to answer.

Q. (By Mr. Zolot) Now, would you tell us what jobs you saw such people on? A. What jobs?

Q. Yes. A. The repair job at Unit One, Millstone.

Q. When did you go there? A. I didn't go there.

Q. How do you know they were working there? A. I was told that.

319-1 Q. Who told you that? A. Again, I can't tell you --

JUDGE NACHMAN: People who were working there?

THE WITNESS: Yes. Local men of Local 305.

JUDGE NACHMAN: You mean men who were members of Local 305 or men who live in the New London area?

THE WITNESS: Men who are members of Local 305 had worked there at the plant themselves.

Q. (By Mr. Zolot) But you don't know anything about the qualifications of the individuals who went to work there, do you? A. No, I don't. I do know this, though --

Q. Your answer is you don't know? A. I don't know.

Q. Do you believe that Mr. Impellitteri has anything personal against you? A. He has no reason to.

Q. Your answer is no? A. No and I have nothing against him, either.

Q. There's no personal animosity? A. No, sir.

Q. Did Mr. Impellitteri tell you that things were bad beginning in January, a lot of people on lay off? A. Well, that's a tough question to answer yes or no. I'd have to answer that both ways.

319-2 Q. Would you tell us -- A. The "yes," part would be when I was going up to the hall to see him and I'd ask him for a job and he'd tell me about the book men and about the Brother Locals being slack and so many guys from here and there and this and that and that way, he would let me know it was slow, but in the same token, he'd say to me,"don't worry, kid, because as soon as I get the shot, you've got it," so that's what I mean by yes and no. Yes --

Q. But you knew there was no work for you -- A. But then I also knew that I would be certainly going back to work as soon as the opportunity arose.

Q. Did he tell you this in February? A. He told me this every time I talked to him.

Q. Everytime you talked to him? A. In his office, now. I don't mean meet me in the garage or something like that.

Q. Whenever you asked him for a job, he told you things were slow in the area at this time? A. No, he didn't tell me things were slow in the area. The area was booming as far as his workload was concerned. Things were slow in other areas.

Q. He didn't tell you there was a shortage of jobs for available men in this area at this time, beginning in February of '73? A. That there was a shortage of jobs in this area?

319-3 Q. Yes, for qualified men? A. I was out looking for a job and he's going to tell me he's short men?

Q. He didn't put you to work, did he? A. No.

Q. Why didn't he put you to work? A. Because he had book men to put to work and he told me he can't put a permit man to work before -- if you have a book man out.

Q. Were there book men out? A. I assume there were. He told me there was.

Q. So you knew there were guys out of work, isn't that right? A. Not out of the New London Local they weren't, Local 305.

Q. How do you know they weren't out of 305? A. Because -- here again, I cannot mention the person that told me this -- but I was told --

MR. ZOLOT: I object, Your Honor --

JUDGE NACHMAN: Don't tell us what somebody else told you. Mr. Impellitteri told you that he couldn't put permit men to work until -- if you had members of the Local out?

THE WITNESS: Book men out of work.

JUDGE NACHMAN: All right, book men out of work. And if book men were out of work, it means he hasn't got any jobs to assign them to, right?

THE WITNESS: Right.

Q. (By Mr. Zolot) Let's get down to the August situation.

319-4 You and your buddy, DiMella, came down, I understand, sometime in July to sign an application form, is that right? A. Yes.

Q. How did you happen to come down at that time?

A. Well, the word was out that they had passed out about, I don't know, sixty-five or seventy, eighty applications, something like that --

JUDGE NACHMAN: For new membership?

THE WITNESS: Right. And the way it was put to me was that -- I believe they said the steward on the job passed them out at all the different jobs. So Mr. DiMella and I went up to see Mr. Impellitteri.

Q. (By Mr. Zolot) Did he give you an application? A. Yes. As a matter of fact, he had to go out in his car and get them.

Q. No problem about that? A. No.

Q. Was there any conversation with him at that time?

A. Yes, we talked to him.

Q. What did he tell you? A. He told me that this application was not going to be processed with the other ninety-three or however many there were.

Q. Did he tell you why? A. Well, he mentioned something about a letter and there's been a lot of conversation between

319-5 -- water under the bridge or whatever you want to call it --

Q. Did he tell you you were not being processed because he knew you didn't have five years of qualified service? A. He didn't say five years. He didn't tell me five years. He didn't say nothing about qualifications.

Q. What did he say? A. He said he was not going to process these applications along with the other ninety-three.

Q. Did he tell you why? A. That's what he told me -- he was not going to process these.

Q. Did you ask him why? A. To be honest with you, I don't think so. I just took the application.

Q. You took the application. Did you fill it out there or did you come back? A. No, I filled it out at home.

Q. When Mr. Impellitteri told you that your application would not be processed along with the group of eighty or ninety or however many there were, did he make any statements to you about submitting them to the membership? Was that mentioned? A. It was mentioned, but I believe it was when we turned --

JUDGE NACHMAN: When you turned the application in?

THE WITNESS: Right.

Q. (By Mr. Zolot) When did you turn the application in?

A It wasn't too much longer after we got it, a week or so after we got it.

319-6 Q. And did you have a conversation with Mr. Impellitteri at that time? A. Yes.

Q. And what was the conversation? A. I think it had something to do about -- well, I remember this -- that he had to call Hamden, Connecticut because of some talk about how much time with each contractor and then I believe it was left that the guy in Hamden would send him an exact amount of time for each job, the exact amount of hours that we had the way they classified them there, how they keep them.

(A document was marked Respondent's Exhibit No. 2 for identification.)

Q. (By Mr. Zolot) I show you a document that's been marked Respondent's Exhibit No. 2 for identification and ask you if this is the application card which you turned in? A. That's it.

MR. ZOLOT: May I offer it as a full exhibit at this time?

JUDGE NACHMAN: Any objection?

MR. ROSEMERE: No objection.

JUDGE NACHMAN: It is received.

(The document above-referred to, heretofore marked Respondent's Exhibit No. 2, was received in evidence.)

Q. (By Mr. Zolot) Now, Mr. Bartolucci --

JUDGE NACHMAN: Do you want to substitute?

319-7 MR. ZOLOT: May I substitute copies for the original, Your Honor.

JUDGE NACHMAN: All right. No objection, I assume, from you?

MR. ROSEMERE: No objection.

Q. (By Mr. Zolot) I show you the document, where it says "journeyman," and you've inserted six years, six months. Would you tell us where you got six years of service as a journeyman? A. Well, in one of my conversations with Mr. Impellitteri, I heard him say something to the effect that you can't count all of your time, only a portion of your time counts, and when I was at the nine years, some months I worked for Northeast Utilities, I figured I had about three years in the gas meter department, so I figured them three years and, at the time, I figured I had approximately three and a half years that I worked for Local 305, which in my estimation, came to six years, six months and this is --

Q. And that's how you got to the journeyman, six years? Now when you came in on August 6th, had you -- question withdrawn. When you turned this application into Mr. Impellitteri and he said that he'd have to check, did he tell you that you didn't have the required number of years of service to be an applicant for membership. A. No, he did not.

Q. What did he tell you concerning your application?

319-8 A. He told me that my application would be put to the body. It would be read on the floor at the next meeting.

Q. Did he say anything else? A. About the application?

Q. Yes. A. No.

Q. Did you ask him why it had to be processed that way? A. I knew why.

Q. Is your answer no? A. No, I didn't ask him a word about the application.

Q. You didn't ask him. You say you knew why it had to be that way? How did you know? A. Well, here again, you come up with these things that -- I don't know -- well, --

Q. Let me ask you, Mr. Bartolucci, because I get the uneasy feeling that there is something in connection with the source of your information that involves the union and your part of the group, to use an expression -- A. What group?

Q. The Polcaro group. A. I beg your pardon. You are wrong, Mr. Zolot. No one ever gave me a job from August '69 to January '73 but that man right there, Mr. Anthony Impellitteri. I was never hired by Mr. Polcaro or anyone else, so I do not classify under the word group.

Q. Well, you keep talking about getting information from somebody in the union -- A. Right.

319-9

Q. And His Honor has indicated that he doesn't think the source is material, so let me go on. On August 6th, you came in. How did you happen to come in to ask for the registration? A. I was told to.

Q. By whom? A. Mr. Polcaro.

Q. Mr. Polcaro told you that? How did you happen to be talking to him? A. Well, Mr. DiMella and I talked to him together.

Q. Where? A. At his home.

Q. When? A. A day or two before, maybe.

Q. What did he tell you about registration? A. He told us to go up and sign the register.

Q. What did he tell you about signing the register. What did it mean? A. What did it mean?

Q. Yes. A. Go up and put your name on it, referral for work, and that was the first time I had ever heard of such -- that there was such a thing and it was the first time that I ever signed one.

Q. Now you came into the office with your buddy?

319-10

A. Right.

Q. And what did you do? A. Well, as I repeated before, Mr. Quinn was there --

JUDGE NACHMAN: Mr. Impellitteri was not there?

THE WITNESS: Not yet. And we asked if there was a roster to sign and I don't know if it was just about that time or just when it was but then this Vermont deal took place. When permission was given or whatever -- well, we signed it. I signed it and I seen Tony DiMella sign it. Now where these marks are crossed off --

Q. (By Mr. Zolot) I didn't ask about that. Then what happened? A. Well, I signed the roster.

Q. You signed the roster? A. Yes.

Q. And had Mr. Impellitteri arrived at that time? A. When I signed it? Yes, he was there.

Q. Did you have any conversation with him? A. Well, other than the fact that I needed a job --

JUDGE NACHMAN: Did you ask him whether you should or should not sign that referral list?

THE WITNESS: Mr. Impellitteri?

JUDGE NACHMAN: Yes.

THE WITNESS: I didn't tell him. Mr. DiMella asked him.

JUDGE NACHMAN: You heard Mr. DiMella ask him?

319-11 THE WITNESS: Yes.

JUDGE NACHMAN: What did he say?

THE WITNESS: He said, "Can we sign this list, " and by "We," he meant himself and me and the answer was, "Yes." and that's just what we did.

Q. (By Mr. Zolot) That's your recollection? A. Yes.

Q. Mr. Bartolucci, do you have a state license in plumbing or heating? A. No.

Q. Have you ever applied for an examination? A. No, sir, I have not.

Q. Why not?

JUDGE NACHMAN: What's the relevancy of this?

MR. ZOLOT: I assume General Counsel claims he's qualified.

JUDGE NACHMAN: Well, what difference does it make why he hasn't gone after a license? The fact remains he hasn't got one.

MR. ZOLOT: Your Honor, I think the witness himself recognizes he's not qualified for this and I think that's germain.

JUDGE NACHMAN: Go ahead. You can answer it. I don't think it means anything.

THE WITNESS: Are you saying that I don't think I'm qualified to take the test?

JUDGE NACHMAN: Just answer the question. Why haven't you
319-12 gone there to apply for a license?

THE WITNESS: I haven't --I never have.

JUDGE NACHMAN: Why haven't you gone and applied for a license?

THE WITNESS: To be perfectly honest, I didn't think it was necessary.

MR. ZOLOT: That's all I have, Your Honor.

JUDGE NACHMAN: Any redirect?

MR. ROSEMERE: Very short, Your Honor.

REDIRECT EXAMINATION

Q. (By Mr. Rosemere) Did I understand you to say, Mr. Bartolucci, that you went down to the hall to sign the register as a result of a conversation with Mr. Polcaro, right? A. That's correct.

Q. Now, did you have a conversation with Mr. Polcaro? A. He was one of the parties involved, yes.

Q. Can you recall exactly what Mr. Polcaro said? A. He said that there should be -- or there was supposed to be -- I think he

called it an "out of work sheet," -- there was supposed to be an out of work sheet that you're supposed to be able to sign up when you're out of work. Now I never heard of that before and I never signed anything like that up until the time I was told that something like this does exist.

JUDGE NACHMAN: And when you heard that it did exist, then you went to the union hall?

319-13 THE WITNESS: I think it was August the 6th, the 5th or 6th. I forget the exact date, but that's when I signed it.

Q. (By Mr. Rosemere) Was that the extent of Mr. Polcaro's conversation with respect to the register? A. I believe so, yes.

Q. Now, after you learned, through your conversation with Mr. Impellitteri, that you applications for membership could be submitted -- would be submitted to the membership body, did you ever get a report about the results of any such submission?

A. No, I didn't. As a matter of fact, I wrote a letter to Mr. Ward, President of the UA, and I asked -- I told him about my application being submitted and so on and so forth and I received a letter from him early in September and he said that he would contact the business manager about thia and I believe the letter that I received from Mr. Ward was either September 7th, 8th or 9th, in the early part of September somewhere and, to this date, I still don't know. I haven't heard anything from anyone as to what -- if my -- well, I've been told and hearsay that it was read, that there was an argument, that it was tabled, that it was this, that it was that, but in answer to the letter, I haven't heard a word.

Q. When did you send this letter to Mr. Ward of the UA?

A. About the 1st or 2nd of September and I received an answer a week later which would make it, say, the 7th or 8th, somewhere in there. I have a copy of the letter here.

319-14 MR. ROSEMERE: I have no further questions.

JUDGE NACHMAN: You may step down.

(Witness excused.)

MR. ROSEMERE: At this time, Your Honor, the General Counsel rests.

JUDGE NACHMAN: All right. We'll be off the record for a short recess.

(A short recess was taken.)

JUDGE NACHMAN: Back on the record.

Whereupon,

ANTHONY IMPELLITTERI

was recalled as a witness by and on behalf of Respondent and, having been previously sworn, was examined and testified further as follows:

JUDGE NACHMAN: Now, you may proceed, Mr. Zolot.

DIRECT EXAMINATION

Q. (By Mr. Zolot) Mr. Impellitteri, you have been present here today and yesterday and listed to all the testimony, is that correct, except for the times you have gone out? A. Yes.

Q. Now let's take first the conversations you had with Mr. DiMella from January, 1973 to the present time. Do you recall his being in your office once a week in the first week in February and, thereafter, as much as two or three times a week, alone or with Mr. Bartolucci? A. I would say that they came once a week or

319-15 possibly once every two weeks. I may have bumped into Mr. Bartolucci in other areas -- in the street, or in the club or at the gas station more often, but Mr. DiMella I saw maybe once a week, possibly once every two weeks. Never twice in the same week.

Q. Did you tell them at any time between January 1st and the present time that there was no work available because you had book

men who were out of work? A. I never used the word, "book men." I used the word "qualified men."

JUDGE NACHMAN: You did tell them that you had qualified men who were out of work?

THE WITNESS: Yes, sir.

Q. (By Mr. Zolot) Did you ever tell them that there were pressures on you from other business agents throughout the state to put their people to work? A. Not pressures, but business agents called us up and asked if -- they had capable people or comparable people to do this work available for work who were qualified.

JUDGE NACHMAN: What is your definition of "qualified men"?

THE WITNESS: Well, Your Honor, most of these people have been sworn in or have taken examinations in other Locals and have satisfied, let's say, the conditions of the parent association which, under normal conditions, is a five-year, either apprenticeship pro-

319-16 gram or five years working at the trade in a practical way. Now with the assumption that these people have this, by virtue of them being book men, as we use the term, per say, and these business agents called me up and they automatically then would say, in the mind of the International Union, are qualified people and, therefore, they are interchangeable between various organizations.

JUDGE NACHMAN: In the jargon of the union, so to speak, qualified men, book men, means the same thing?

THE WITNESS: Yes, sir.

Q. (By Mr. Zolot) And your Local does not have a provision in the contract that says preference shall be given to Local journeymen?

JUDGE NACHMAN: Wouldn't the contract speak for itself?

MR. ZOLOT: I'm trying to get to a question about out of towners being put on a job.

THE WITNESS: Preference is given to qualified Local people.

JUDGE NACHMAN: When you say, "Local people," you mean Local -- members of your Local or people who live in the local area?

THE WITNESS: Qualified people who live in the area, qualified men.

Q. (By Mr. Zolot) And, "qualified," means five years of practical experience as required under the hiring provisions of the contract, is that correct?

319-17 MR. ROSEMERE: Mr. Zolot, I think that you're leading now. I make an objection.

MR. ZOLOT: All right, let me withdraw it.

Q. (By Mr. Zolot) When you talk about qualified individuals, are you using the definition contained in the collective bargaining agreement? A. Yes, sir.

Q. Now, is Mr. Bartolucci a qualified man in terms of the contract? A. According to the contract, no.

Q. Why not? A. He does not have the five years of qualified experience.

Q. Is Mr. DiMella qualified within the terms of the contract? A. In my judgment, he falls in the same category. He does not have the five years of qualified experience.

Q. All right. From January of 1973 to the present time, have you dispatched any individuals who do not meet the qualifications called for for qualified crafts on various jobs? A. No.

Q. And in this so-called non-qualified group, have you sent any out? A. None.

Q. Now, there has been talk about certain people from Texas, a person from Texas. Do you know anything about that? A. At

319-18 times, where there is a power house or a tremendous amount

of work in a given area, the union representatives from various areas throughout the country contact the respective Locals that have the work and tell of the abundance of people they have with a certain qualification, that they have available and, with that, we tell them how many people we may need and they, in turn, will send these people up if they are available. Now getting back to this Texas man, yes, we did employ -- let me clarify this. I don't think -- there were a half a dozen fellows, as I said in yesterday's statement, that were rejected on the job because they could not pass certain qualifications as far as test procedures were concerned on welding. We got this man from Texas who had a heli-arc qualification which we needed, and also to get back to the man --

Q. Well, let's just stick with Texas now. A. All right, Texas. This man met those qualifications and I'm almost positive he did come up to go to work, but he had the right to come to work in the event he could make it.

Q. He was a welder? A. He was a welder, yes, sir.

Q. There was also reference to a Vermont man. Do you know anything about a Vermont man? A. This man falls in the same category. He was contacted by the business manager of the Vermont Local and I told him I had need for qualified welders of a certain category and if he had these people available, I could take

319-19 as much as eight, ten, twelve, fifteen people at that time and he got me maybe one out of fifteen. One showed up and we dispatched him.

Q. You didn't dispatch him. Mr. Quinn dispatched him -- A. He was dispatched out of our office, let me put it that way, because I left strict orders with Mr. Quinn that, in the event this business manager would give me certain names and they showed up on the job with their books, they would show their book to the business

manager, that if this man showed up, to send him out or dispatch him to Millstone where we needed that type of welder.

Q. So both men, in your judgment, based upon the information you had, were qualified within the terms of the contract? A. Yes, sir.

Q. Now, there was some talk about people with, "less qualifications," working at the present time as late as August of '73, including your brother. Are there such people working? A. Yes, sir.

Q. How do they happen to be working at that time, August of '73? A. The law says that when a man is dispatched on a job, if he satisfied the contractor, then that contractor is the person who lays him off -- not the union. We have nothing to do with layoffs.

Q. Well, tell us specifically about your brother? A. My
319-20 brother, the reason -- number one, he has satisfied management. We had a walk-off on the Millstone job which, in my case, was a wildcat strike or a walk-off -- never sanctioned by the International or myself.

MR. ROSEMERE: Could we have a date on that?

Q. (By Mr. Zolot) Could we have a date when that happened? A. I don't know. It could be a year and a half, two years ago, I don't know, about a year and a half, maybe. Now, at that time of the walk-off, which was made aware to me by the steward -- at that time, I was involved with the moisture separators and the reactors at the Millstone Power House, which are components that weigh as much as four hundred tons. There was a thousand dollars a day demurrage on the barges that, let's say, bring these up from Tennessee, and when they hit the job site, we must unload them immediately and it has to be done with a combination of iron workers and pipefitters. Now when these people wildcatted and walked off the job, my Local Union was subject to a law suit where they could be involved in a

tremendous amount of monies because of this demurrage. We would be the receipients of this and it was the business manager of the Local Union -- well, I tried to get the people on the job, but to no avail, but I did insist upon my brother and two or three other permit men who were on the job -- I asked them if they'd do me a favor and work their half of the job with the iron workers to unload these barges so that we eliminated the possibility of a liable suit or any kind of a

319-21 suit from the general contractor, Bechtel, and with that, my brother stayed on the job and I made arrangements with the Local at that time that, as long as management wished to keep my brother in their employ, he had a job there because there was pressure put on me to try to coerce management to leave the job and I wasn't about to do that for him or anyone else.

Q. Now, is that job where your brother is on one that's been a continuation for the last year and a half? A. A little more than that.

Q. And what's that job known as? A. Pressurized reactor, Unit Number Two at Millstone Point, the power house.

Q. Now going to August 6th, the day the two gentlemen came in to sign the roster, would you tell us your recollection of the events that took place in the office that day? A. August the 6th was the day that Terry and I, my assistant, -- we have an understanding that on Monday, I would open the office, and on Tuesday, he would open the office. He would go from his home to his jobs and I would go from my home, therefore, we wouldn't both have to be there at once. We could more or less expedite our business. On this day, the 6th, I went from my home to the W. J. Barney job or the pfizer job in Groton, Connecticut, this side of the river, and I got out of there approximately nine-thirty. I went from there to the Union hall or

319-22 our office and when I walked in the hall, in the office, I'm sorry,

Mr. DiMella and Mr. Bartolucci had just straightened themselves up from a bent over position on the desk and I proceeded to go over to my desk and open the mail to see what I had and they, at that time, walked out of the office into the hall. I said, to Terry, "was there something these two gentlemen wanted," --

JUDGE NACHMAN: Ycu had no conversation with them?

THE WITNESS: None whatsoever, not one word, not an iota. He said, "Well, they wanted to sign the roster," and I said, "Well, did you let them sign the roster," and he said, "Yes." I said "They have no right signing that roster. They are not qualified people with five years of experience," and with that I said "Strike their names off the list. I want it marked off the list," and that's how the mark is on that list, referral list that's been pushed up through here and Terry said, "Well, I didn't know that," and I said, "Well, from here in, this is it. You only allow people with five years of qualifications to sign that roster."

Q. (By Mr. Zolot) There was testimony here that Mr. DiMella asked you whether it was all right for them to sign the roster. A. This is erroneous.

Q. Was there any such conversation? A. That was not the truth. I was never asked.

Q. Please don't characterize. Did any such conversation
319-23 take place? A. No, sir.

Q. Now did you have any hallway conversation with these two gentlemen where you took them from your office and into the auditorium and said to them that you would prefer to have them than half the bananas you were going to have to take in? A. No, not that way, no, sir.

Q. Did you have any conversation of a comparable nature? A. Other than to more or less give them the praise they are entitled to.

They are good workers and I said, "When I get something, I'll put you to work." That's the type --

JUDGE NACHMAN: What do you mean, "When you get something?"

THE WITNESS: When some work comes up that they're qualified to do. That's what I'm saying.

Q. (By Mr. Zolot) Take for example, Mr. Bartolucci -- even though he was not a member of the Union and did not have qualifications, whenever there was work available for an extra hand, you endeavored to secure such work for him, is that correct? A. I would say that Mr. Bartolucci and Mr. DiMella were the prime factors as far as being in the boys that went out first because they were that reliable.

Q. And was that true from the period beginning January, 1973, that you followed the same policy -- you would have put them to work if there was work available for these people that were not qualified? A. That's right.

319-24 Q. You have nothing personal against them? A. I think the world of both of them, even though we have a court case here.

Q. And the fact that they're not members of the Union, does that influence your decision in any way? A. No, sir.

Q. Did you ever tell either of them that you did not have work for permit men in the year 1973? A. I don't know if I used the term, "permit men." I may have used the word, "Permit men," as they fall into the category of not being qualified men, yes.

Q. Can you weld cast iron pipe? A. No. Definitely not.

Q. If a person makes that kind of statement, does that indicate a lack of knowledge of the business? A. Yes, sir.

Q. If I made that statement, that would show my ignorance, would it not? A. I would say you're not a pipefitter. You don't

know the first thing about the business. That's impossible. That's one of the no-no's.

Q. And in your opinion, does installing gas meters constitute work within the piping trade? A. Can I elaborate on that a little bit?

319-25 Q. Just answer yes or no. A. Say that once more?

Q. Does the work of installing gas meters constitute work within the piping trade? A. No. The meter itself?

Q. Yes. A. No.

Q. Now, is there an apprenticeship standard program in your Local Union? A. Yes.

Q. And does that basically outline the kind of work and experience that a member is expected to have as a plumber, steamfitter, welder? A. Yes.

Q. And is that a training program that's approved by the Connecticut Labor Department Apprenticeship Training Division? A. The Labor Department Apprenticeship Training Department, Federal.

Q. And if a person is registered as an apprentice, plumber or steamfitter, he's given a work schedule which he is expected to follow? A. You're talking about his semesters at school.

Q. His ten thousand hours. A. Right, yes, at school. Ten thousand hours on the job training.

Q. All right. And when you use the five year qualifying

319-26 practical experience in the trade, is that intended to cover a ten thousand hour period basically? A. Yes, sir, two thousand hours a year.

JUDGE NACHMAN: That's a substitute for the ten thousand hours?

THE WITNESS: Pardon me?

JUDGE NACHMAN: That's a substitute for the ten thousand hours?

THE WITNESS: Yes.

Q. (By Mr. Zolot) Just so that we have it in the record, I show you the --

MR. ZOLOT: Why don't I have this marked as an exhibit.

(The document above-referred to was marked Respondent's Exhibit No. 3 for identification.)

Q. Now I show you this document which has now been marked Respondent's Exhibit No. 3 for identification and it's entitled "Connecticut State Apprenticeship Council, Apprenticeship Training Division, Plumber, Steamfitter, 5-30" and ask you if this is the work schedule of work experience for a plumber, that a plumber, steamfitter is expected to have to qualify? A. Yes, sir, that's it.

MR. ZOLOT: May I offer this as Respondent's Exhibit No. 3?

JUDGE NACHMAN: Any objections?

MR. ROSEMERE: No objection. I just don't see the relevancy, Your Honor and to that extent, I do object.

319-27 JUDGE NACHMAN: I don't see it either, but I'll receive it.

(The document above-referred to, heretofore marked Respondent's Exhibit No. 3, was received in evidence.)

Q. (By Mr. Zolot) It's offered merely to show the general nature of the work experience required for a plumber, steamfitter, since there was some discussion about the nature of the duties earlier. Now, with respect to the welders, as such, do they all have the qualifications required by this program? A. Welders?

Q. Yes. A. No.

Q. Now Mr. Bartolucci testified that you never had any discussion with him concerning his qualifications in connection

with his application. Do you recall whether or not you have ever had any conversation with him with respect to that matter? A. To clarify that, you mean when his application -- when he presented his application to me?

Q. Yes.

JUDGE NACHMAN: He said he never had any discussion with you at any time. Did you everhave any such discussion?

THE WITNESS: Yes, sir.

Q. (By Mr. Zolot) When? A. I think he picked the application up on the 6th. They came in a couple of days later when the application -- when they picked up the applications, they went

319-28 out. They asked me if I had any work and I said no. Then they went out. Approximately two or three days later, they came back with the applications completed, that is, Mr. DiMella and Mr. Bartolucci. I scrutinized each application. Now, in the topic of discussion, there were answers like, "I worked approximately so many, approximately so much," and I said, "Why don't we call up Dick McMahon who has the hours that you've worked. We can count so many eight-hour days and by weeks we can tell just how much time you've got because the contractor has to pay to the Pension Fund for each hour worked on the job," and therefore, all the time that these people worked -- three years or so -- all these hours are tabulated down there and it tells just how long the man worked for us. So when I submit this application to the Union, in the event there is any discrepancy, we have it from a good source that the man has worked on the jobs. In other words, I was looking out for their behalf, as a matter of fact, to justify that that which was documented by them was authentic. Now, in Mr. Bartolucci's case, I can't be exact, but I'd say somewhere in the variance of two years, three years, nine months, or something like that that he showed

in the pipefitting industry, which was substantiated by the documentation we had gotten over the phone from the Pension Officer and he always was correct. Now, with that, he had to supplement the other year and a half or two years, a gas meter reader operator and I said, "Duke, I cannot give you credit for this." You want me

319-29 to go into the avenue now because we're discussing two things as far as he wanted to be sworn in with the other ninety-three people and my directive from headquarters, our parent International, was that I -- I'd have to read the letter again, but words to the effect that "Process all applicants with five years of actual, practical working experience." Now I said to Mr. Bartolucci, "Duke, you don't have the five years, but I will take your application and present them to the body, which is a different avenue as far as taking members in." Here on the one hand is a directive from the International to do this, directed to me as the Business Manager. The other is the subrogation of the Local taking these people into the Union and that is something that my office does. All you do is get the applications and turn them over to the Recording Secretary who reads them to the body and the body, in turn, dictates as to what they want to do. I have nothing to do with these applications.

Q. Just tell us the conversation please. A. I said, "I cannot enter these in the group of ninety-three people. You don't have the five years actual working experience. I will submit them to the Local," which I did.

Q. What did you tell Mr. DiMella? A. I told him the same thing, with the effect that his rigging qualifications -- I never mentioned words that have been suggested here, that I would give him one year of grace, per say, if you want to use that word -- I don't have the right

319-30 to say to anyone --

Q. Just tell us what you said to him. A. This is what I said, "This time does not count. You may get about three months of this as far as the rigging part is concerned. That's about tops," and with that, I said to him too, "I will give your application to the union for them to act upon," which is what I did.

Q. Now did he say, "Are you scrutinizing all the other people the same way?" A. Yes.

Q. What did you tell him? A. I told him that that is not for me -- to coin a phrase -- ours is not to reason why -- this was a directive to me by headquarters to pass on applications by way of the steward, that if a man can show five years of experience on that application, that's all I was interested in to turn those applications over to the International Representative who would be the person who would swear these people in.

Q. And these two gentlemen did not show that? A. No.

Q. In your judgment? A. No.

Q. And the others did, in your judgment? A. Well, they put the five years down.

* * * * *

319-32 Q. Now there's been talk about there was no discussion with either of these two gentlemen concerning qualifications prior to August of 1973. Was there any need to discuss qualifications, as far as you were concerned, with respect to either of these two men? A. No. Both of them, as far as I was concerned, had no qualifications.

Q. You knew them personally? A. Yes.

Q. And you knew what they're experience was? A. In DiMella's case, I didn't know too much about his background, except it was brought to my attention when he came what his background was --

a rigger at Electric Boat, but Bartolucci, I knew that he did not
319-33 have experience at all. He was a babe in arms as far as I was concerned.

Q. Now there was also some talk about they were never told that there was a register for them to sign. Were they ever qualified to sign the register? A. I never told them for the simple reason they were not qualified to sign the register.

Q. Why were they not qualified? A. They didn't have the five years of actual practical working experience.

Q. Did Mr. Polcaro ever have any discussion with you concerning either of these two men in 1973? A. 1973?

Q. Yes. In his opinion, that they were qualified or should be given work? A. No, sir.

Q. There was testimony that originally Mr. DiMella came to the job as a result of Mr. Polcaro's request of you to put him to work. Do you recall whether or not such a conversation took place? A. We're going back now around 1968 or '69, is that right?

Q. Yes. A. Yes, '68 or '69 we had a call in for approximately a hundred and fifty people. Now, in an area like this, a hundred and fifty people are hard to find. I met with management at Bechtel Corporation, with the LaborRelations people and I, at
319-34 that time, said to them that I would try to draw the source of people from everyplace imagineable because the owners of Northeast Utilities wanted the plant built in record time because of the need for energy of electricity. I told them I would try every avenue I could to try to fulfill this job as far as manpower was concerned. With that, I made an attempt, but still I found myself short. Okay. Like I said before, to be repretitive, a hundred and fifty people and, again, I met with management and said to them, "Look, I can use permit people." As a matter of fact, prior to that time, we hadn't

used permit people because we hadn't needed them. I said to them that I would dispatch people, will you dispatch them to the foremen and you use them to the best ability wherever the foreman can find areas where you don't have to use a real good qualified man, like in pipe, putting up hangers, jockeying pipe into hangers, those areas, more or less, called bull work. I'll say strong arm. I'm not going to use the word, "weak mind," because I don't mean it in that sense. I mean a person who hasn't had the opportunity to learn the business.

Q. Tell us how you heard about Mr. DiMella from Mr. Polcaro. Did he call you to say he was going to put them to work or how? A. At this time, Tony Polcaro was the general foreman on the job. He knew of the demands because the demands would go through him. In turn, he would call me up and tell me he would need two hundred and fifty, three hundred people and he knew that I

319-35 couldn't get them because I kept refusing week after week, because I couldn't get people. Management was screaming. He said "Well, I know one guy." He said, "He's pretty hep." "He's got some rigging background. Maybe he'd be some advantage to us. We could use him hoisting pipe and stuff like that." And he mentioned Mr. DiMella. I never knew Mr. DiMella prior to that time by name or anything else.

Q. Now do you know anything about the Baystate York job to which Mr. Bartolucci was referred? A. Baystate York operation was an installation of the refrigeration in the shopping center complex at the corner of Bates Woods Street and Route 1 in Waterford. I was contacted by Baystate York. They were going to install the refrigeration showcases which are the meat cases in the store, the walk-in boxes and so forth, that they would need some people, some hands, some people out there. At that time, all of the people were working and again, I know those types of jobs -- after eighteen years,

I know the installation of every one of the operations and I know that those refrigeration equipment machines were set on a mezzanine above the main floor and all of this stuff had to be taken and rolled in off the trucks, set in location, in crates, pick them up and set them up on the mezzanine, chalk them, take the rollers out, block them and so forth, in tandem so you can get all the pipes together. Once the pipes were set, the copper tubing is run

319-36 to these in various installations and, as a rule, the owners of that firm, Baystate York, only allow what they call their onw shop superintendent, who is a card man who more or less comes in with the job, to make the intricate silver solder welds at the component end because, again, I don't want to try to be -- to use a lay-man's -- but there could be frosting and it would ruin them, so it's really an intricate part. Other areas of the system, we don't worry about too much. We always cut the pipe out and place it. Now, I put Mr. Bartolucci to work on that job.

Q. Do you know what he did on that job? A. I didn't follow the job that close. I know that Bart will do anything the man told him to do, or at least make an attempt, let's put it that way.

Q. You don't know what he did, though? A. No, I don't. I know he was there when I -- before I was able to put other hands on there, that he was involved in the lifting of this heavy equipment. This is the first installation of the job -- putting this heavy equipment up on the mezzaine floor.

Q. Now, did either Mr. DiMella or Mr. Bartolucci ever ask to be examined to prove their qualifications? A. No.

Q. Did they ever ask for a copy of the collective bargaining agreement? A. No, sir.

319-37 Q. Did they ever ask for copies of the referral provisions? A. No, sir. The only thing he ever asked me for was the health

and welfare form, or dental form for their teeth or the health of their families.

Q. Would you describe for His Honor the employment situation in the New London area at the present time for plumbers and steamfitters, generally? A. At the present time? Do you want to go back a little because I haven't been here for a month.

Q. Let's talk about the present time, November, December of '73? A. I can't tell you. I haven't been here.

Q. Well, let's go back to January of '73, when the lay-offs took place --

JUDGE NACHMAN: According to your testimony, you would be familiar with it up to November 1, January to November 1?

THE WITNESS: Again, I'm handling five hundred people and these things aren't retentive in my mind, so I'll give you -- not necessarily false information, but in some cases, hypothetical --

Q. (By Mr. Zolot) Give us your best recollection. A. My best recollection I'll give you. Never in the construction industry is there a consistent demand. In other words, we can have an overload of people within one given month and by the same token, the following

319-38 week, it fluctuates, where we go from plus needing people to minus, where people complete jobs and overload of people and so forth. So let me say the area of 1971 has not been a lucrative --

Q. I'm talking about '73? A. I'm sorry, January 1, 1973 has not been a lucrative year for this Local.

Q. Does that mean there are qualified people not working in January of 1973? A. There were qualified people who were not working and also there were jobs that were not available.

Q. And how about in February of '73? A. It was pretty consistent throughout the year.

JUDGE NACHMAN: Up to November 1?

THE WITNESS: Well, maybe you get a little lapse period where you pick up a few hands, ten or twelve hands. The demand was, more or less, for welders at the atomic power house with special skill.

Q. (By Mr. Zolot) How about the demand for people other than welders? A. Not too many. Very few. Once in a while you'd get into a job, wouldn't amount to a half a dozen people. There weren't that many people available.

MR. ZOLOT. That's all I have.

CROSS EXAMINATION

* * * * *

319-41 Q. (By Mr. Rosemere) Now you say that somebody brought Mr. DiMella's background to your attention, did you say that? A. Yes.

Q. Who was it? A. Mr. Polcaro is the one that asked me if I would put him to work and, more or less, recommended him.

* * * * *

319-47 Q. Do you know what each one of them is capable of? By way of job performance? A. I'd say they're qualified mechanics, but I couldn't go into detail to the extent of how good they are. I'd say they're qualified people, people that I could dispatch on any job, yes.

Q. All of them? Do you know all of them? A. I didn't say that I said I know some of them. The names I read off, I do know.

Q. How many don't you know? A. Hoffman, I don't know.

319-48 Q. Well, just give me a number if you can, please. A. Of this group, there are forty-two people I do not know.

Q. So you don't know whether or not they're qualified for job performance or not? A. No, sir.

Q. That's correct? You would not know? A. No, sir, I wouldn't know.

Q. So there could very well be people on this list who are not qualified and you wouldn't know it?

JUDGE NACHMAN: Well, that's obvious from what the witness said.

THE WITNESS: I didn't say that. You said it. You asked me if I knew those people on that list. I said I wouldn't know them if I saw them again. Now, either Terry Quinn may have submitted some of these names on there and they must have told him of their qualifications, or those people that I do know on that list have told me of their qualifications or I do know their background. Therefore, those people would be on the list, by virtue of either Terry Quinn saying they were qualified or by virtue of myself saying they were qualified.

JUDGE NACHMAN: Well, if a man who you did not know came in and told you who he was and told you the qualifications he had, you would accept him?

THE WITNESS: Your Honor, again, human nature dictates that many persons will come into a union hall and say, "I can do this

319-49 and can do that." My answer to that, assuming there's a shortage of people, we dispatch these people and, if the contractor can use these people or they can pass the test -- but by the same token, again, here's a job that's been going approximately two and a half years and I've turned over approximately, anywhere between two hundred and fifty, three hundred people, now the total compliment of the job at the present time is four hundred and I've already knocked off three hundred

because they claim they have special skills that they can do and when we dispatch them to the contractor, he lays them off, not the union, because he finds they aren't qualified and they're trying to fool someone, including the union. So if we're not in a position to get these people and say, "you're not qualified," then we're giving them the benefit of the doubt and dispatch the people. It's up to them to hold the job.

Q. So while you were business agent, if I walked in off the street and said, "I want to sign your register," what would I encounter? A. I would ask you -- I would say to you, "Are you a welder?" Let's assume you are a welder --

Q. I say to you, "No, I'm not a welder." A. Well, what do you want to work as."

Q. "I'm a pipefitter." A. Where have you worked."

Q. Is this the kind of questioning I'm going to get if I was
319-50 an applicant? A. Yes, sir. "Where have you worked? What jobs? What contractors."

Q. I say I've worked for nonunion contractors as a pipefitter. A. That's perfectly all right. "How long?"

Q. "I've worked five years in the trade." A. You're qualified.

Q. That's when you're going to let me sign the register? A. Yes.

Q. And this is the procedure that you observe whenever an applicant steps in who you do not recognize as a member? A. Yes, sir.

JUDGE NACHMAN: Or who you do not necessarily know has the necessary qualifications?

THE WITNESS: When the person tells me themselves that they don't have the qualifications --

JUDGE NACHMAN: Well, if you know the person and if you know he's got the qualifications, you don't go through all this?

THE WITNESS: That's right, but he's talking about someone I do not know.

Q. (By Mr. Rosemere) That man from Vermont we've been talking about, do you happen to know his name? A. No, I don't. You won't find his name on that list if that is what you're trying to look for, nor the man from Texas.

Q. Did you ever meet that man from Vermont who registered --

319-51 A. I don't off-hand remember. All I know is that his name was given to me over the phone by the business manager. I wrote it down on a piece of paper and I either turned it over to Terry or I could have put the person to work myself. I don't know. As I say, I'm handling anywhere between a total complement of six, seven hundred people.

Q Do you know if he was a steamfitter, gas fitter --

A. No, he was definitely a welder. There was only a call in for welders.

Q. But we have nothing by way of the record that shows the identity of this man or his date of registration or his date of referral or what his classification was, is that right, Mr. Impellitteri?

A. That's right. We don't need one. The man had a job before he came here, therefore, he does not have to register.

Q. Well, you acted, of course, on a phone call, Mr. Impellitteri.

A. That's correct.

Q. It's conceivable that some buddy of his could have called you up, representing himself as a business agent, seeking a job opportunity for him. A. We don't get taken like that. We're not that foolish.

Q. But the fact of the matter is that, aside from this GC 4 which doesn't tell us much with respect to this man, there is nothing that we have to go by --

319-52 JUDGE NACHMAN: He's answered that question. There is no record of any kind of that.

THE WITNESS: Your Honor, well, if the business agent tells me he's a capable man; he shows me the union book when he comes in the office --

JUDGE NACHMAN: But you don't have any record of his name, where he's from, what he does, or anything like that?

MR. ZOLOT: Your Honor, I don't want to misrepresent. We do have records but this witness doesn't have them. They come from a different source.

JUDGE NACHMAN: Well, I can only go by what the witness says.

THE WITNESS: Well, when you speak of records, I'm saying those, per say. We have pension and welfare records to show the man is here and payments are paid on him, if this Local is involved, when he started and everything else.

* * * * *

320 City Council Chambers,
Third Floor,
181 State Street,
New London, Connecticut,
Wednesday, December 5, 1973.

* * * * *

323 ANTHONY DiMELLA

was called as a witness, by and on behalf of the Respondent and, having been previously sworn, was examined and testified further as follows:

THE WITNESS: Yes.

DIRECT EXAMINATION

Q. (By Mr. Zolot) Yesterday you testified, I believe you testified you had not completed an apprenticeship program of any kind, is that correct? A. Yes, I did.

Q. Did you ever take any courses in hydraulics and --

A. No.

Q. Did you ever take any courses in general mechanics and physics? A. No.

Q. Did you ever take any courses with respect to blueprint

324 reading? A. No.

Q. Or any courses with respect to shop mathematics?

A. No.

MR. ROSEMERE: Your Honor, it seems to me that counsel is conducting sort of an examination for perspective application for membership of the Union. It hardly seems to be part of the issue --

JUDGE NACHMAN: I think he is following out what he regards as events. This man was not qualified, so --

JUDGE NACHMAN: He is only required to dispatch qualified men.

You may proceed.

Q. (By Mr. Zolot) Have you ever engaged in installation of any heating equipment in industry and shops, other than the power house jobs you were describing? A. Other than power house?

Q. Yes, sir. A. Yes, sir.

Q. When? A. W. J. Barney.

Q. For how long? A. The actual job, I don't know.

Q. Yes. A. I was there a year? A year.

325 Q. Was that a heating job? A. It was a heating system; yes.

Q. Did you ever engage in any welding work? A. No, sir.

Q. Did you ever engage in or do any lead work, that is soddering and bending of lead pipes and wiping of joints? A. Yes.

Q. Where? A. W. J. Barney.

Q. How many hours did you put in? A. I have no idea.

Q. How many hours did you put in on heating and equipment at W. J. Barney's? A. I don't know.

Q. Did you do any work in connection with boilers? A. Yes.

Q. At W. J. Barney's? A. Yes, I did.

Q. What work did you do? A. In the power house.

Q. What did you do? A. Installing pipe, feed water pipe to the main boiler. We were putting in -- installing a new boiler system.

Q. How many hours did you put in? A. I don't know.

Q. Did you ever do pipe cutting and using the threading
326 machine? A. Yes.

Q. How many hours did you put in -- A. No idea.

Q. You were working there in the power house? A. Pardon?

Q. Were you working in the powerhouse? A. When I did --

Q. No, did you work in the power house? A. Yes.

Q. How many hours did you work in the power house? A. You mean in total of years.

Q. Yes, sir. A. I have no idea.

Q. How many hours did you spend on the installation of pipes and fitting while you were working in the power house? A. I have no idea.

Q. Did you ever engage in any testing of the power of the pipes and fittings? A. Yes.

Q. What kind of tests did you use? A. Main pressure tests on the steam lines and turbin drilling of the power house.

Q. Did you ever do any sweating of joints? A. Yes.

327 Q. Where? A. W. J. Barney.

Q. For how many hours? A. I don't know.

Q. Did you ever do any braising work? A. No.

Q. Did you do any water pipe work, like the laying out of a domestic hot water system? A. No.

Q. Did you ever install any kitchen sinks or wash trays or water heaters or anything of that type of equipment -- A. No.

Q. While you were engaged in work? A. No, sir.

Q. Now, secondly, yesterday I asked you whether you had applied for work at the general dynamics corporation and you said you had applied for work as a pipefitter, is that correct? A. Yes, sir.

Q. And you were told at that point that you were a rigger? A. No, sir.

Q. What were you told? A. When I went down for an interview, for an application the first question they asked me is were you ever here before, and I said, yes, I was. So, they got my old appli-

328 cation out and then they said I see you were a rigger for 12 years down here. And I said, yes, I was. And they said what kind of a job are you applying for here, and I said that I wanted to apply for a job as a pipefitter. They asked me why and I told them. And they said, well we need riggers and I said do you need pipefitters. And he said, but we need riggers also. And I said, I would like to stick to the craft that I have been working at for the past four years.

Q. So you were offered a job as a rigger? A. Pardon?

Q. You were offered the job as a rigger, the man told you he needed riggers and you said you didn't want it, is that right? A. Yes.

* * * * *

329 ANTHONY PULCARI

was called as a witness, by and on behalf of the Respondent and, having been previously sworn, was examined and testified further as follows:

THE WITNESS: Yes.

DIRECT EXAMINATION

Q. (By Mr. Zolot) Mr. Pulcari, yesterday in the direct of testimony your name was brought up with respect to certain conversations by both Mr. DiMella and Mr. Bartolucci as to how they happened to come in and request that their names be put on a referral list. Do you recall having any conversation with these two gentlemen? A. Yes, sir.

Q. Would you tell us first when that conversation took place? A. At my house.

Q. When? A. When?

Q. Yes, approximately. A. Around August, I guess.

JUDGE NACHMAN: August of this year?

THE WITNESS: Right.

Q. (By Mr. Zolot) And where did it take place? A. At my house.

330 Q. And would you tell us what happened, to the best of your recollection at this time? A. Oh, they came down and they asked me -- in other words, the thing was --

Q. Just tell us what was said and what did you say?

A. They drove down the driveway and they came down to see me and they asked me how they could get a hold of the business manager. And I told them at the office. And they said that they had been down there a couple of times and didn't know if he was there. So, I says --

in a laymen's way, I said why don't you just go down and put your name on the list in the office and then you -- he will call you when he is looking for you and you don't have to go down there every day, you know what I mean? And that is how they got --

Q. What did they say when you told them that? A. They were going to go down.

Q. Did they say anything else? A. I can't remember.

Q. Did they say that nobody had told them about the list before? A. Yes. They didn't know about it.

Q. When you referred to a list, what did you mean?

A. Well, it has always been a habit with the Union when you are out

331 of work, you go down and tell the business agent and they put your name on a list. Then you know -- the reason I told them to put their name on the list is I figured it would save them the trouble of going down every other day. And I told them that the business agent would contact them if they put their name on the list.

Q. And when you put your name on a list, you were a qualified man? A. Right.

Q. Did you know whether they were qualified to be on the list? A. No, sir.

I didn't know. I didn't know how much time they had, I didn't even know what they worked at or what they did over there.

MR. ZOLOT: That's all I have.

Thank you, no -- just one other question.

Q. (By Mr. Zolot) You have been working on the GE job since March of this year, is that correct? A. Uh-huh.

Q. Have any persons with less than five years of practical experience in the trade been employed on that job since you went on? A. No, sir.

MR. ZOLOT: That's all.

Thank you.

332 (Witness excused.)

Whereupon,

TERRANCE QUINN

was called as a witness by and on behalf of the Respondent and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q. (By Mr. Zolot) Mr. Quinn, would you give your full name and address, please? A. Terance Quinn, RFD 1, Fitchville, Connecticut.

Q. And currently what is your position with Local 305? A. I am the acting business manager.

Q. And how long have you been associated with Local 305? A. Since January 1 of 1973.

Q. And what did you do prior to that time? A. I was a business manager for Local 267 of Norwich, Connecticut.

Q. Would you tell us what your functions were with Local 305, as assistant business manager? A. I was assistant business manager from January 1 to November 9th and my function was to work directly under the direction of the business manager.

Q. Who was? A. Who was Anthony Impelliteri.

333 Q. What did you do? A. Well, I had assigned area or territory that I took care of various jobs, I settled grievances on these jobs, dispatched men to these jobs and I had control of the gas distribution fields.

JUDGE NACHMAN: Of the gas distribution fields, which is your sole responsibility, I mean you did that regardless --

THE WITNESS: Well, no.

Mr. Impelliteri was not very familiar with the gas distribution field, because this was something that was inherited when the Norwich

local came down. The Norwich Local was the only one that had administrative gas distribution and worked for the State of --

JUDGE NACHMAN: He regarded you as --

THE WITNESS: An expert on that type of thing.

JUDGE NACHMAN: So you took care of it?

THE WITNESS: He usually didn't question anything on that field.

* * * * *

Q. (By Mr. Zolot) Would you tell us whether or not you were required to take an examination to become a member in your first local? A. No, I was selected through the apprenticeship procedure
334 that was set up in the Norwich local, and I was accepted as an apprentice and that was in October of 1952.

I served a five year apprenticeship and on the completion of the five year apprenticeship of 10,000 hours job training, 720 hours of related classroom training; I was allowed to go down and take my examination with the City of Norwich at that time, prior to state licensing. And also I subjected to a local examination. And I successfully passed both and then was reclassified as a journeyman plumber in Local 267.

Q. When you say a local examination, to what are you referring? A. This is a requirement of the UA constitution that each local union has a steamfitting examination board, a plumbing examination board and a welding examination board. These are set up and anyone coming into the Local, seeking journeymen status are subjected to this examination.

Apprentices going out are subjected to the same --

Q. I show you Respondent's Exhibit No. 3, which is a work schedule for the apprenticeship training division of the Plumbers and

Steamfitters, and I ask you whether or not that is the program which you, as an apprentice, had to complete? A. Note that it was 1952, it looks very similar. There might be slight changes in the hour on one or another. It was a 10,000 hour course then and it is now a 10,000 hour course. But it may be identical.

335 Q. Now, as an apprentice, what is the rate of pay compared to the journeymen? A. Presently or when I started?

Q. Presently? A. Presently the apprentice starts at 35 per cent of the journeymen rate for the first six months. If he is successful in his first six months, he goes up another five per cent and then gradually makes the scale up, until on his last six months, which is four and a half years of training, he is at the 85 per cent level.

Q. Now, with a person who has been sent out to a job, as Mr. DiMella or Mr. Bartolucci, in your opinion qualified as a pipefitter? A. I am not too familiar with Mr. Bartolucci and DiMella, but in my opinion we would have problems in keeping them on the job with a contractor.

The contractor wants a fully qualified man and he wants the flexibility of using him on all phases of the job. He does not want to be limited to a specialist in, maybe rigging or pipe installation or whatever. He is paying top dollar and he wants a top man.

We have no other wage rate for anybody -- you know -- semi-skilled.

Q. You heard their experience yesterday, in your judgment would they be fully qualified as a practical journeymen?

336 A. No.

No, absolutely not.

Q. Would an apprentice with two and a half years of experience be more qualified in your judgment than these two gentlemen?
A. Yes, I would say they would. Because they get the related

classroom training along with the on-the-job training and we make certain that our apprentices our exposed to all phases of the work. We shift them around periodically so that they are not just installing hangers or not rigging or whatever. We try to have them come out of the five year course with a fully qualified training man.

So, I would say in that case that a two and a half year apprentice would be more qualified.

Q. If you had a son and you had a choice between putting him in an apprenticeship program and putting him out in the field now as a pipefitter helper or whatever class, doing the work that Bartolucci and DiMella were doing, which choice would you elect for your son?
A. Well, I have a son in the apprentice program and he is in his second year of the apprentice program. I will not allow him to go out on the power plant work even though it pays more than -- they are working overtime out there. My son is working at 60 per cent of the journeymen wage rate and he with -- is working on a school
337 job, and I will make certain that he will finsih his training in areas where he is going to be a fully qualified mechanic at the end of the five years, even though financially it is a sacrifice to him.

Q. Now, to your knowledge, in the year 1973 have any persons been admitted to membership without taking an examination to establish their qualifications in Local 305, except the 93 which --
A. Of course the 93 which the International brought in, which Local 305, did not accept officially -- you know -- they were just put on our cash sheet. The only other members that came in 1973 were either as apprentices or its gas distribution helpers, which is one class below a registered apprentice.

Q. Now, are there any plumbers, steamfitters admitted -- were there any plumbers or steamfitters admitted in 1973?
A. Yes.

I think that there was one plumber or steamfitter, I don't know what his book qualifications -- his name was Thurston A. Brown, Jr., and he was admitted into the local union back around February or March and he had successfully passed his examination conducted by the local examining board.

I believe there may have been one that also took the exam around that time and I believe his name was Stennett and he failed the local examination board, he is not a member.

Q. Now, beginning in January of '73, to your knowledge
338 had any persons who did not have five years of practical experience in the trade been referred out to work? A. Only possibly some welders, and I am not certain on that. But they took their qualification examination on the job site, by the Atomic Energy Commission or whatever was set up there, quality controls et cetera, but there was no steamfitters and no plumbers to my knowledge, dispatched at any job that did not certify to us in documentation or something or personal knowledge that they had the full five years practical working experience.

Q. As journeymen in the building trades? A. Yes.

Q. Now, there was a claim made that beginning in February on Mr. Bartolucci and DiMella appeared two to three times a week at the Union office looking for work. Do you have any recollection as to whether or not they appeared at all? A. They appeared and the amount of times would be very difficult. It seems like the two or three times a week is more than they had appeared. There was weeks they would appear twice or three times and there was weeks we wouldn't see them at all.

Q. To the best of -- A. That office is a jungle in the morning and people are coming in and out. But I don't believe that two or three times is a realistic figure by any means.

339 Q. To your best recollection, how frequently did they appear? A. Average in and out over the course of February to August?

Q. Yes. A. I would say once a week at the tops, possibly slightly less.

Q. Do you recall any conversations with them? A. Each time they came in, they either talked to me or Impellitteri, whoever happened to be there.

The usual question was is there any work available for us. And we never had any work that we felt that they would handle in their limited knowledge.

Q. Did Mr. Impellitteri ever tell them in your presence while they were at the union office that he had a lot of bookmen out of work and he couldn't put them to work? A. No.

He may have said this on their initial trip into the office, which I think at that time he did have some people available that had -- you know -- applied prior to them. Again, I don't recall it after that.

JUDGE NACHMAN: Was it a fact that there were a lot of bookmen out of work at that time?

THE WITNESS: Well, there could have been. If there was they applied like anyone else. They were qualified --

340 JUDGE NACHMAN: I just wanted to know were there bookmen out of work?

THE WITNESS: I think there possibly was, because I think this was about the time prior to the Livsey job starting and there was some people that were out of work and applying for that job.

Q. (By Mr. Zolot) There was an out of work referral list which indicates there were people out of work beginning January 15th, were these people members or non-members of the union that had registered? A. Yes, some are members and some are not members. Some weren't members at that time and are members now.

JUDGE NACHMAN: Can you tell from that, General Counsel's Exhibit 4 which you have in your hand, when any of those members were referred to jobs?

THE WITNESS: Well, we could probably find out this information --

JUDGE NACHMAN: I asked, can you tell from that list?

THE WITNESS: No, not just the way the list is written up here; no. Some of these people was transit, some of them were from Maine and different areas of the country and they were drifting in and request a job and if you didn't have one available, they would request to put their name on the list. And they would be in town for a day or so or they were travelling back home. I think we have
341 tried to contact some of these, the ones on the top of the list and they were no longer interested for employment when we did have --

JUDGE NACHMAN: Well, there are names on that list of people who were subsequently placed on jobs, are there not?

THE WITNESS: Yes.

JUDGE NACHMAN: Can you, from that list, tell me who they were and when they were placed?

THE WITNESS: Right now, I could not tell you who they are, but I can't say exactly --

JUDGE NACHMAN: Just listen to my question.

Could I take that list and go down the first to the end and tell for myself and tell for myself which man was placed on a job and when he was placed?

THE WITNESS: I could tell which man was placed --

JUDGE NACHMAN: Can I tell from that?

THE WITNESS: No.

Q. (By Mr. Zolot) Let's take His Honor's question in two parts, and you tell us which man on that list were placed between January and August? A. Yes.

Q. Would you tell us who they are, for the record? A. As I go on --

Q. And if you can, at the same time, tell us when or to what job? A. I can give you an idea. The top man on the list was
342 Robert Corcoran and he was placed approximate a month ago on the Livsey job.

JUDGE NACHMAN: He has been out of work all this time?

THE WITNESS: Yes.

JUDGE NACHMAN: Was he a bookmen or is he a bookman?

THE WITNESS: Yes.

He is a bookman, a paid up member of the local.

Jim White was placed on the job, the Bechtel job approximately -- now this is a guess -- sometime maybe June.

JUDGE NACHMAN: The date of his registration?

THE WITNESS: The date of his registration was the 3rd of January.

JUDGE NACHMAN: So roughly six months, five months, he was out of work?

THE WITNESS: Right.

JUDGE NACHMAN: He is a book man?

THE WITNESS: He is a bookman, paid up member of Local 305.

Dick Ferretta was placed out to Bechtel and he is a welder and he was placed at Bechtel job I think probably late July. And he is now a member of Local 305.

Q. (By Mr. Zolot) So that he wasn't then? A. He registered on the 19th of January.

JUDGE NACHMAN: He was not a member when he registered?
343 THE WITNESS: No, he was one of the 93 that eventually became a member.

JUDGE NACHMAN: That was in September, August --

THE WITNESS: August 4th.

Q. (By Mr. Zolot) He was employed by July? A. Brooks registered on the 2nd of February and I believe he was placed to work -- you see Impelliteri handled all the power plant work -- he was placed to work on Basco unit one, and I would say somewhere around early June or July -- you know -- I would have to get their pensions and welfare records out --

JUDGE NACHMAN: This information you are giving us, what people were placed on particular jobs, you are picking that out of your head, that doesn't appear on the list?

THE WITNESS: No, but I could furnish documentation --

Q. (By Mr. Zolot) All right.

Just continue on? A. Continue on.

Q. Please. A. Earnest Bellia was placed to work for Groton Piping and he was not a member. He registered on the 2nd of February and he is now a member and he was placed on the Groton Piping I would say sometime around June or July also.

JUDGE NACHMAN: He was one of the 93?

THE WITNESS: He came in on the 93.

JUDGE NACHMAN: Let me ask you this, when did you find
344 out or when did the local union find out that the 93 men were local members?

THE WITNESS: Shall I answer that?

JUDGE NACHMAN: If you know, if you don't know --

THE WITNESS: Well, I have got an idea. On May 7th we received a communication from the United Association International man saying that they had been in receipt of a couple requests from a Vincent Baggessi and Frank Sylvia for membership. And that we should immediate -- take steps to process their applications and

within 60 days, if it was not taken care of, and any other people that we may have had in employ that were non-members that we should do it.

Sixty days past and we didn't accomplish this, so they notified us and on August 4th, they were going to come in and process the applications without examinations, et cetera, which they did. They sent in an International man in and processed the 93 on Saturday, August 4th.

So we had been told that May -- that was when we were first alerted to take some action. And when the 60 days passed sometime in July I received another communication saying we hadn't taken an affirmative action to satisfy them, so they would be in there to help us.

Do you want me to continue on down this list?

JUDGE NACHMAN: You need not do that as far as I am concerned.

345 MR. ZOLOT: I just want to get the record clear as to what direction the International was.

Q. (By Mr. Zolot) I show you this letter dated May 7, 1973, and ask if that refreshes your recollection as to what the International directed to be done?

MR. ROSEMERE: Has that been marked?

THE WITNESS: This is the letter that our business manager received, and I think this was read off at the May meeting of our local union to the membership.

Q. (By Mr. Zolot) And that instructed them to take necessary steps to make membership available to those workers who were applicants employed in various projects within 60 days?

A. Right.

Q. And then on July 13th, was there another communication received? A. Yes, I think that the business manager received a letter from Anthony Smith, I believe.

JUDGE NACHMAN: Who is Anthony Smith?

THE WITNESS: That is our International Representative in charge of New England, assigned to the New England area.

Q. (By Mr. Zolot) And that letter Mr. Smith said, leading off, that you instructed to make available to all nonmembers with five or more years experience an application card? A. Yes.

346 Q. And thereafter the 93 were processed, is that correct? A. Yes. Mr. Impelliteri carried out the instruction to this letter.

Q. Now, would you continue on with that list to the best of your recollection --

JUDGE NACHMAN: Do you think you have to have that for the purposes of your case? Not as far as I am concerned.

MR. ZOLOT: Well, Your Honor, I don't know how you are reading General Counsel's case. I think it is necessary to show: A-that people were qualified and out as long as or as much as the Complaints here.

JUDGE NACHMAN: That is already established. There is only -- there is one man from January, who I recall, late July or August --

MR. ZOLOT: Fine.

THE WITNESS: Do you want me to continue?

MR. ZOLOT: No.

JUDGE NACHMAN: Frankly, I think the case goes off on an entirely different theory either of you -- I will disclose that to you at a later time.

MR. ZOLOT: It would be helpful to disclose that now, so we can put the evidence in one way or another.

JUDGE NACHMAN: I think the evidence is in, it is just a question of interpretation, that's --

347 MR. ZOLOT: All right. Then, let me finish my examination with respect to General Counsel's Exhibit 4.

Q. (By Mr. Zolot) Is it fair to say that the welders on this list were able to get work very quickly as compared to non-welders? A. Yes, there has been a call for welders by the Bachtel people. They promised us that if we furnished them with enough welders, possibly they could take some fitters later on down the road. But this hasn't proven so to date. We have had a problem. We had quite a phone bill in calling different areas, seeing that they have qualified heli-arc welders available, mostly it was heli-arc welders that they wanted.

Now, occasionally, they would take a carbon steel welder. And --

Q. Now, let's go down to a period beginning in July of 1973, were you present when these two gentlemen came in and asked for an application card of Mr. Impelliteri? A. I believe I was, either when they asked for the application card or when they delivered it, but I saw an application card either handed to Impelliteri or Impelliteri handing to --

Q. Did you hear any conversation at that time? A. Probably
348 not a relative conversation. The phone was ringing and I --

Q. The answer is yes or no. A. Probably bits of conversation, I did hear. If you are asking me if I heard a specific conversation or part of it, I will tell you whether I did or not.

Q. Did you hear any discussion about the contents of the application with respect to qualifications? A. Yes, I heard a discussion between Anthony DiMella -- I don't know if Bartolucci participated in this conversation -- but he handed Impelliteri has application and Impelliteri said, well you don't have the necessary experience to be reprocess along with these 93. And I don't know, then probably -- I would just be guess if I went on with any further --

Q. Please. Please.

Let's just have your best recollection. A. Yes, I wouldn't follow up with that. I may have been on the phone and didn't hear the rest of it or whatever -- you know.

Q. Now, thereafter, my understanding is that on or about August 6th, these two gentlemen came into the office and you were present and asked for some information, do you recall that occasion? A. Yes.

349 Q. Do you recall that occasion? A. Yes.

Q. When was it? A. It was Monday, August 6.

Q. Tell us what happened from the beginning? A. They came in --

Q. Who is they? A. Mr. Bartolucci and Mr. DiMella --

Q. Who asked the questions? A. I believe Mr. DiMella asked.

Q. All right.

What did he ask? A. He said, do you have any work for us. And I threw up my hands and I said, no, we don't have any work. And he said, do you have a hiring log here posted. And I pointed to the bulletin and we had the hiring all clause that was attached to the bulletin board. And he didn't check that, and then he says do you have a list to sign for registration. And I said, yes I do, and I opened the righthand drawer and I produced the list.

Q. Is that General Counsel's Exhibit 4? A. Yup.

Q. All right. A. And they signed the list, each one of them signed it. And as they were signing it Impelliteri came into the office. I think they left then, I don't think they had any conver-

350 sation with Impelliteri that particular morning. And Impelliteri asked me later --

Q. What were they doing? A. Well --

Q. Excuse me, let's stay with this for a minute. A. All right.

Q. The testimony is that Mr. Bartolucci and Mr. DiMella, that both them, and Mr. DiMella specifically said to Mr. Impelliteri, can we sign the list. And Mr. Impelliteri said sure. Do you have any such recollection of that happening? A. No.

Q. Did it happen? A. It did not happen.

It did not happen.

Q. All right.

There was reference once made to the fact that both names have a line through them as they appear on General Counsel's Exhibit No. 4, can you tell us the circumstances under which the lines were drawn through their names? A. Yes, sir, I can.

Q. Now, will you tell us the circumstances? A. Well, when Impelliteri came into the office that morning, they were finishing signing, I think maybe Bartolucci or whatever one just

351 finished signing his name. I don't think talked to them that morning, and they left.

And, after they left, Impelliteri said, what the hell were they doing in here. And I said, they were signing, they requested to sign the out of work list. And he says, draw a line through both those names, they are not qualified and only qualified people are to be put on that list.

Q. Now, I wanted to ask you a question, you had the list, had you had any discussion with Mr. Impelliteri as to who would or would not be on that list? Had you used it before that date?
A. I had used it before that date, and I don't think we had any prior discussion.

Q. And the names that you entered on that list, were they all qualified, practical workmen with five or more years experience

in the building trade? A. I would say I am 90 per cent sure they were. Most of them I recognized or they had placed their name down there as a welder, saying they had five years of welding or more in a particular phase of welding, with the heli-arc welding or whatever.

Q. Now, let's go on to the next incident. There was discussion concerning the applications being presented at a Union meeting. Were you present at that meeting? A. Yes, these applications were presented on August 21st.

352 Q. What happened? A. At a regular membership meeting.

Q. What happened? Who presented them? A. Well, the applications were handed by Impelliteri to the recording secretary, which is normal practice right at the meeting.

Usually these are -- it -- these applications then follow their normal course, which is outlined. They go through an investigation, through the executive board to check their qualifications, their work experience, et cetera. And then if they are found in order they are brought back to the Local and said they have been investigated, the men have the necessary experience qualifications, and then they are passed on to the examination board, the Local examination board who examines them.

But, with these particular ones someone jumped up and made a motion -- of course there was animosity around with the 93 people being brought in to the Local just previous -- and someone jumped up and said, I made a motion that these applications be turned over to the business manager, because he did such a damn good job on the other 93.

JUDGE NACHMAN: Which applications?

THE WITNESS: DiMella and Bartolucci.

And the president, Paul White said, I will not entertain that motion. That is an illegal motion.

Then there was some pandimonium broke out amongst the
353 group there. And the meeting got somewhat out of order and the applications were never acted upon.

Q. (By Mr. Zolot) And they are still in that state as of today? A. To the best of my knowledge.

Q. All right.

Now there came a time as I understand it, that these two gentlemen actually did get referred to jobs by you. Do you recall the circumstances under which they were referred? A. Yes, I recall the circumstances.

Q. When did this occur? A. This occurred approximately around April 1st of 1973.

Q. And what happened? A. Impelliteri and I were attending a legislative conference in Washington, D. C., when the regular monthly March meeting was in process, or the April meeting. I think it was May 1st or April 1st, one other. Nevertheless we didn't attend the regular membership meeting and the members had, at that meeting, voted to take in 27 apprentice applicants and put them on the probationary period.

JUDGE NACHMAN: You mean a probationary apprentice period?

THE WITNESS: Yes.

Any apprentice coming into the local union is put on six month probationary period to see if he satisfied the contractor in
354 his ability to learn the trade and he attends school faithfully. And at the end of six months, then they are evaluated before they are allowed membership and continue on through the rest of their normal apprenticeship.

So, the body instructed Impelliteri to place these 27 to work at his earliest convenience and get them started in the probationary period.

Impelliteri reacted to the body's wishes unbeknownst to me, and I had had some of these fellows working on gas distribution as helpers, there was some working right here in the City of New London on this Captain's Walk, and various projects around the State.

When I came into the office, I think it was Tuesday, he had reacted Monday night unbeknownst to me, and placed them all to work on building trades job --

JUDGE NACHMAN: Who?

THE WITNESS: Impelliteri, he had taken them from the gas distribution --

JUDGE NACHMAN: Who, from the gas distribution?

THE WITNESS: These apprentices I had been working and waiting for them to be processed into the regular apprenticeship program. I had been working them as helpers, you see?

I started to receive a series of calls on Tuesday morning from all these different gas contractors, and even from Hartford Electric that their jobs were crippled. They had ditches open, their

355 equipment was stopped -- you see, they only work on most of this work a welder and a helper. And when the helper isn't there, the welder is usually helpless without him. So, the gas companies were threatening to take these contracts away from our contractors and give them to nonunion contractors, et cetera.

Well, I was in a panic to man these jobs, and I assured them that by the next day, I would have them all replaced.

I did succeed in getting some of them filled, and then that night I was in conversation with Anthony Pulcari and I told him, Geez, I need to get another man at least possibly two. And he said, maybe I have somebody in mind for you. And a little while later at my home, Anthony DiMella called and he said, Tony Pulcari called me and told me that you possibly have a job as a gas distribution helpers?

And I said, yes you will have to go to work tomorrow morning, report to Paul's Shell Station on Boston Post Road. I described to him it paid $6.15 an hour. And he went to work there.

He continued to work there for a period of about wo months. And then -- do you want me to follow up with the Bartolucci case?

Q. (By Mr. Zolot) No, let's take DiMella. When he terminated, what did he do? A. When he terminated I think he
356 started to appear at the office again. I would say that he did. He started to show up at the office prevailing upon Impelliteri for a job.

Q. Did you have a request for gas line helpers, subsequently from the same helper? A. Yes --

Q. When? A. Approximately five or six weeks later -- I think there was a material holdup where they couldn't open streets or something -- this Henkles McCoy, again, called me and they wanted to start building their crew up and there was a request for two helpers.

Q. Was there any conversation with respect to Mr. DiMella? A. Yes, they said, they gave me a list of two names that the Hartford Electric Company did not want to hire back. You see --

Q. All right.

And who were the two? A. Walter Erb and Anthony DiMella.

Q. Isn't Walter Erb a member of the Local? A. He wasn't at that time, he still is not, but he is in the probationary apprentice status, he is in that 27 that is in the probationary apprentice.

Q. Now, let's go to Bartolucci, tell us how he secured employment? A. Well, I think it was three or four days later, I
357 was getting gas at McGuveros gas station and Mr. Bartolucci approached me and said, Tony went to work have you got something for me? And I was still running one helper shy in the Bridgeport area and I said, I have a job down in Bridgeport, I don't know how

long it is going to last, but you can go down there and try it and good luck. And he said, yes I will stake it.

So, I called the contractor and told him that I would fulfill his requirements down there in Bridgeport. That job I think only lasted four more days. Mr. Bartolucci did not start appearing at the office right after that I don't believe. I don't believe he started coming back -- you know -- of course I am saying when I was in the office. We were alternating days.

Q. We are talking about your knowledge? A. I don't think I saw Mr. Bartolucci again until maybe mid-summer or sometime when he started to appear with Tony DiMella again.

JUDGE NACHMAN: When were these referrals, down in Bridgeport and Hartford?

THE WITNESS: I would think it was -- I said April 1st, but I think more realistic it may have been around May 1st, because I recall that the legislative conference in Washington I believe was in April. So, I may be a month -- it may be May 1st, but I was under
358 the impression it was May 1st. It was either April or May 1st.

JUDGE NACHMAN: When did you refer Mr. Bartolucci?

THE WITNESS: About three days after I dispatched Mr. DiMella.

Q. (By Mr. Zolot) And they were as gas line helpers? A. Yes.

Q. Now, were you present at the office when Mr. Bartolucci and Mr. DiMella was present and there was some conversation concerning a telephone call, concerning a man from Texas? A. It could well be.

Q. Were you or weren't you, that is the question? A. I cannot recall.

Q. Fine. A. There is a lot of calls coming through there.

Q. Were any conversation that took place on the day the gentlemen appeared to sign the -- withdrawn.

Were you present at a time when a gentlemen came in from Vermont who presented his credentials to you? A. Yes.

Q. At which time Mr. Bartolucci and Mr. DiMella -- A. Yes.

Q. Do you remember when that was? A. I think that was around the second week in August probably or the first week in August.

359 Q. Is this the day they had signed the register? A. It had to be the first week in August, because I didn't see them after August 6.

Q. Okay.

Now, tell us what happened? A. Anthony Impelliteri, on the previous week, he had control of the job of Dow Chemical in its entirety, which is two contractors out there. And he said, Terry, I need to put a carbon steel welder out at Dow Chemical, what is the phone number of the business manager in Vermont. Then I looked in my roll call book and I gave it to him and he called him and this Charley Gilcore is the business manager and he said I will have him, a man down in your office Monday. Impelliteri instructed me, there is a fellow coming in from Vermont, he is going to go to work for W. J. Barney Company out at Dow Chemical, they need a welder out there. And this was the type of an operation where it was welding hangers and brackets and et cetera, and when he comes in dispatch him to thatjob if I am not here Monday morning.

Monday morning the man came in, I received his travel card, which is used from one transfer to -- from a local union to another. I checked it out, I checked his dues book --

JUDGE NACHMAN: Was Mr. DiMella or Mr. Bartolucci in the office at this time?

THE WITNESS: According to the testimony they were. I couldn't recall there is so many people in and out of that office --

360 you know what I mean.

Anyway, I gave him his travel card, gave him instructions how to get down to the job, called the job steward and told him he was coming and to meet him at the gatehouse. And I dispatched him from there.

The man did request a -- of me like many of them do -- how is the chance of getting on the powerhouse? Well, at that time we only had call on the powerhouse for heli-arc welders, and this man did not fulfill the requirements or qualifications of a heli-arc welder. He was a carbon steel welder.

Q. He was a welder? A. Yes, definitely. He did weld and that can be ascertained through the W. J. Barney Company.

He was hired there as a welder --

Q. Did you at any time tell either Mr. Bartolucci or Mr. DiMella that this man was not a welder? A. No, no.

I don't think they questioned me, probably I would have taken exception to answer them, too. But I can't recall them ever asking me what his status was.

Q. Now, according to the testimony of Mr. DiMella, when you produced -- when the Vermont man came in he didn't sign the register. Is that correct? A. That is correct.

361 Q. Was there any need for him to sign the register? A. No. He had -- the arrangements for his job employment had been made over the phone.

He came down on a referral slip that he had a job when he reached there.

JUDGE NACHMAN: There is no man on the register who had his qualifications? On the out of work register?

THE WITNESS: I am not certain of that. This arrangement was made by Impelliteri. He may have exhausted that list by calling the different people, maybe they were not available at that time, I don't know. I could not answer that.

* * * * *

362 Q. Now, do you have any personal animosity toward either gentlemen? A. I don't.

Q. There is no reason why you wouldn't put them to work if work was available for which they were qualified to perform in your judgment? A. If there was work to perform and in my judgment they could perform it and there wasn't fully qualified people around; definitely.

Q. Now at any time did you say that Mr. Impelliteri had caused the layoff of Mr. Bartolucci and DiMella in January of '73? A. Absolutely not. Never heard him say that, never repeated anything similar.

Q. Well, you were at the meeting of August 21st, 1973 which Mr. Donoahue testified -- A. Yes, I was.

Q. And you have no recollection of any such remarks being made? A. Absolutely not.

* * * * *

363 JUDGE NACHMAN: May I interrupt, you seem to be talking about everything except the question that I asked you.

Could there ever be a situation in the most optimum conditions where you could refer these two men out?

THE WITNESS: In the past there has and I would say in the future there probably will be.

JUDGE NACHMAN: Well, how do you do it? The contract
364 provides that when the contractor calls upon you for men the union will immediately refer competent and qualified fitters to the contractor in the number that he requested. If you don't regard these men as qualified, how would you refer them?

THE WITNESS: Well, we notify the contractor when he calls us for men -- this is usually procedure. If we have men available we will dispatch men as his request, fully qualified men. If we don't have them available, we notify the contractor, I don't have any right now, I will search for them and if we are successful we will dispatch them to him. If we are unsuccessful, we usually tell the contractor there is no men available, if you have any in your mind that you know of bring them in and just tell them to report to the local union and that they want to work. And then in some cases the contractor tells us, well I can't get any and then we make the offer of the unqualified.

We say, well we may have some here that may be limited help to your job in certain areas. They are somewhat familiar, are you willing to take them on.

In that case if the contractor is a shutdown or the job has to be done, he will take them on fully aware that their qualifications are limited and he will try to fit them into his job where there is a qualified man or something or put him in a so-called bull gang or
365 limited skilled area. But he is always notified prior to them going out there that these men are not, in our judgment, fully qualified.

JUDGE NACHMAN: All right.

THE WITNESS: Okay.

Q. (By Mr. Zolot) Is it fair to say that 305 is a little peculiar because it has two major powerhouse operations in its territory?
A. Yes.

305 has been very unusual, I think it is possibly the only Local in New England that has been prevailed upon in such a short time to furnish so many qualified people. And it was strictly because of this powerhouse construction and they were caught short-handed.

Q. Is it also true that in a powerhouse operation, the work force expands rapidly and then diminishes very rapidly as there is a shutdown in the boiler and replacement of the boiler or the unit? A. This happens, fairly often. We may get a call late at night at our homes that there has been a breakdown on the power plant, Millstone 1 and they will tell us -- even on weekends or holidays we receive these calls. We have got to have 15 hands in there tomorrow to tear this thing apart and they have got to be there 7 o'clock tomorrow morning and plan on them working around the clock until this thing is put back together.

366 Not too long ago this happened over the weekend. Two weeks ago we had to furnish one powerhouse with people --

JUDGE NACHMAN: That kind of a situation, have you ever told this contractor about Mr. DiMella and the other gentlemen, I can send you two men that in our judgment are not qualified, but they may be able to help you out?

THE WITNESS: I have never, because until November 1st I didn't have jurisdiction of the power plants, but I have seen Mr. Impelliteri take this position. I cannot furnish you in that short a time fully qualified people, but I have some other semi-qualified, would you be willing to take them on.

Q. (By Mr. Zolot) Now, was there -- there was some testimony from one of the witnesses, "permitman do not carry prints," do you have any knowledge as to whether or not permitmen have control of prints? A. The 93 members that we took in, 81 were

welders, there were 12 fitters, out of that 12 fitters I know two or three that have been general foreman on jobs, one in particular has been a foreman for a local contractor for nine years. He had to have prints in his possession to complete these jobs.

Q. Do you know of any rule in Local 305 that says a permit-man cannot carry prints? A. No.

Q. Absolutely no written rule, I have never heard this. Of
367 course the comments may be made on the job, I don't know, they make all kinds of different statements on the job about keep your nose clean, and stuff like that. You can't be responsible for 400 people working, what they may say out on the job. There is no rule and the Union wouldn't back up any rule such as that.

* * * * *

CROSS EXAMINATION

* * * * *

369 Q. (By Mr. Rosemere) Now you said that the Hartford Electric Company said they did not want two men back, is that correct? A. This was related to me by the contractor who we worked for, which was Henckle McCoy Company. And the man that related this to me is a superintendent named Warren Miller.

Q. When did he make that statement to you? A. He made that statement to me in mid summer when they started to rehire the crews back, that were performing the work that DiMella was performing.

Q. What did he say to you at that time? A. He called me and he said, Terrance, I need a couple of helpers, we are starting up one of those plastic crews again. And he said, Hartford Electric Company does not want Walter Erb and DiMella back.

You see this is cost plus work and the utility companies do
370 have a say so in who they hire. It isn't strictly contract work. It is cost up above the contract price.

Q. Did he say any more? A. No, he never said why they didn't want him back, whether it was work performance, personal animosity toward him or a thing. He just didn't say, he just said he did not want them back.

With the ERB case I know what the reason was.

Q. You don't know the reason with respect to DiMella? A. No, DiMella, no. I know the ERB case was because he didn't wear his hardhat and it would have been something similar with DiMella. I don't know.

Q. It was never disclosed to you, I take it? A. No.

Q. I believe it was your testimony, Mr. Quinn, that Local 305, as is the case probably with most locals, is a jungle in the morning. Do you recall using that expression? A. The office is a jungle, sir.

Q. What does that mean, it is a jungle in the morning? A. Well, you have -- there is several trades that have their offices in this building. Our office is no longer adequate for the amount of membership we have. It is a one room affair, the men coming in are standing right at your desk or they have to be jammed up in the hall. And then the others can't get to the offices. The phones are ringing and it is between 8 and 10, it is a jungle. It is a turmoil.

371 Q. What kind of a business are you conducting in the morning? A. Well, in the morning we are receiving calls from contractors requesting people, notifying us of layoffs, asking us for wage rates and calling from the job sites with personal gripes, requesting welfare forms; and any numerous things transpire in the morning. Because we are only usually on a normal day in that office between

those hours and the rest of the time we are out on the job sites making personal inspections.

Q. And there are men coming into the office in the morning? A. Oh, definitely.

JUDGE NACHMAN: What did you say?

Q. (By Mr. Rosemere) What kind of men are coming into the office in the morning? A. Qualified and unqualified.

Q. What are they coming in for? A. Some for jobs, some to stop and shoot the breeze, and any numerous reasons.

Q. Well about how many men do you have coming in on the average every morning looking for work? A. Certainly Monday mornings are hectic and the Friday mornings are hectic. Averaging the whole week we could have anywhere from -- some 50 to other

372 mornings like 10 or 12 or so. Some of them hang and you wish they wouldn't you don't want to insult them. They hang around listening and they are interferring with your process.

Q. This on a daily basis, this 10 to 50 on a daily basis? A. Yes.

Q. These are the men who are looking for work? A. Yes, but not always looking for work. Maybe they stop and pay some dues or they may be stopping by to pick up --

Q. I want to know how many men are coming in looking for work on a daily basis on an average? A. Oh God, we never know. Some just slide by and they may be a carpenter going on his way back, hey you got a job for me. You know what I mean? They may be joshing with you, they may be kidding, maybe they have a job. So that is hard to tell.

Q. And you direct all these men who come in looking for work to sign the register? A. Only if they request it. A lot of them are just stopping in on the way, they are transit. Some of

them are coming in from other parts of the country and they stop have you got a job for them that morning they will go to work, if you don't they won't and that night they are up in Maine somewhere in another local union.

Q. Well, I take it then you don't direct all of them to sign
373 the register? A. If they request it; yes.

Q. Only if they request it? A. Yes.

Q. If a man calls up looking for work, will you enter his name on the register if he asks it? A. If he asks me; yes. If he calls and asks for it; yes.

Q. About how many men do you have calling up on a daily basis by phone asking to be registered? A. First, the one that come over the phone, I only register the ones that I am familiar with, that they are qualified. The others that are unqualified I ask them to come down to the office.

JUDGE NACHMAN: Or if you don't know them?

THE WITNESS: Yes. If I don't know who they are, come on down and bring something down showing your qualifications.

Q. (By Mr. Rosemere) And so how many people whose qualifications you are satisfied with do you register over the phone -- A. Repeat that question?

Q. How many men on an average do you recognize to be qualified do you register as a result of their phone call requests? A. Everyone that I recognize --

Q. How many on an average daily? A. I don't even think it is one a day on an average.

374 Q. Did you make any entries at all yourself on this GC 4? A. Sure.

Q. How many entries did you recognize on there, do you recognize your hand? A. Most of those are mine, because sometimes

Impelliteri would get a request and he knew that this was on my desk and he would holler over and say, register Glenn Schaeffer for example. His phone number is such and such and he is a welder and I would write it down.

Q. So all the registrations traffic referrals should be on this list? A. Mostly, yes.

Q. I think Mr. Zolot showed you a letter from the International with respect to the applications for membership, is that correct?

MR. ZOLOT: Yes, I showed him the letter of May 7th.

JUDGE NACHMAN: I don't think you showed it to him, I think you read it to him.

THE WITNESS: No, I had it.

Yes, May 7th and July the 13th.

MR. ROSEMERE: Would you mark this for identification please, as General Counsel's 6.

(The document above referred to was marked General Counsel's Exhibit No. 6 for identification.)

375 Q. (By Mr. Rosemere) Mr. Quinn, I show you a document that has been marked for identification as General Counsel's No. 6, and ask you if that is the letter that counsel displayed to you in his examination earlier? A. Yes.

This is the document --

JUDGE NACHMAN: Is that the May 7th?

THE WITNESS: May 7.

JUDGE NACHMAN: From the International Association?

THE WITNESS: Yes.

Q. (By Mr. Rosemere) And is this the letter as a result of which the 90 odd applications for membership were processed? A. I would say that is the beginning of the process; right. First, to relate that the Local was going to have to process --

MR. ROSEMERE: I offer GC 6 in evidence.

MR. ZOLOT: No objection.

MR. ROSEMERE: Leave to withdraw the original and replace it --

JUDGE NACHMAN: I will make a general ruling about that at the end of the case.

GC 6 is received.

(The document above referred to, heretofore marked General Counsel's Exhibit No. 6 for identification, was received in evidence.)

Q. (By Mr. Rosemere) Now, there has been considerable
376 talk here about five years experience --

MR. ZOLOT: Excuse me, do you want to introduce the other letter too? The July 13th letter?

MR. ROSEMERE: Can I see that letter?

Would you please mark this as General Counsel's Exhibit No. 7, please.

(The document above referred to was marked General Counsel's Exhibit No. 7 for identification.)

Q. (By Mr. Rosemere) Mr. Quinn, I show you a letter dated July 13 that has been marked for identification as General Counsel's 7 and ask if you recognize that? A. That is the letter.

Q. That is the letter what? A. That is the letter that was received by Anthony Impelliteri and I believe -- I am not certain -- that was read off at the membership, I cannot be certain of that fact. But I was aware that letter was received.

JUDGE NACHMAN: It is pursuant to GC 7 that the international as you described it here, came down and took the necessary steps for processing?

THE WITNESS: Yes.

MR. ROSEMERE: I offer GC 7.

MR. ZOLOT: No objection.

THE WITNESS: That letter instructed Impelliteri to make a --

377 JUDGE NACHMAN: General Counsel's 7 is received.

(The document above referred to, heretofore marked General Counsel's Exhibit No. 7 for identification, was received in evidence.)

Q. (By Mr. Rosemere) Mr. Quinn, there has been considerable testimony here about five years standing membership in Local 305, is that correct? Do you recall the testimony with respect to five years? A. Yes.

Q. Now these welders I would take it, in July, did they satisfy the five year standing --

JUDGE NACHMAN: This group of 90 some?

Q. (By Mr. Rosemere) The group of 90 we are talking about? A. A group of 93, I have not had the opportunity to personally scrutenize the full 93 applicants. However, I was assured by Anthony Impelliteri and Anthony Smith that they had the necessary five years.

Q. Now, that isn't what I want to establish, Mr. Quinn. For the record, when we are talking about five years for the welder applicant, are we talking about five years welding experience or are we talking about five years steamfitting experience? A. According to our constitution, the United Association constitution it is a requirement to have five years actual practical working experience at the

378 building trade, as quoted in the United Association Constitution.

JUDGE NACHMAN: So it is entirely possible that a man may have only had one year experience as a welder, but he has had four additional years experience as a steamfitter; and that would satisfy your requirement?

THE WITNESS: Maybe not would satisfy the local requirement, but the local is helpless in this case. We would have liked to had --

JUDGE NACHMAN: It satisfies the five year requirement?

THE WITNESS: It satisfies the International.

Q. (By Mr. Rosemere) Supposing he had nothing more than just five years welding experience, not five years or anything less than five years experience as a steamfitter? A. Well, there is all types of welding, counsel, he could be welding on auto bodies for five years too. I know our local union investigation committee would not consider that, they would want him to be welding five years on pipe and pass that qualification test for his ability even after five years. Some welders could have 20 years and they would become a qualified welder.

Q. Well, let's assume that he has five years experience welding pipe, would that satisfy the standards for membership? A. That would not fully satisfied the standard for membership according to our local union. He would ascertain that he had five
379 years actual working experience and he would so be sent on to the examining board to take a qualifications test from our local examining board, showing -- though he had the five years, was he a welder that could meet our standards or not. If he successfully passed the local examining board that would make him eligible for membership.

Q. Now, do you think that some of these recently accepted members could have had nothing more than five years welding experience on pipe, without regard to experience in the steamfitting business itself --

MR. ZOLOT: I object.

Just a minute.

MR. ROSEMERE: I am trying to establish, Your Honor, because I am completely in doubt about this five year standard. It seems to me we are talking about two different standards, a five year standard for steamfitters and a five year standard for welders.

JUDGE NACHMAN: Now, you may be in doubt about it, but what is the relevance to the issues in this case?

MR. ROSEMERE: I feel it necessary to pursue it only because my Brother has seen fit to pursue it and I just want to leave the record clear.

JUDGE NACHMAN: His position is solely that we are qualified, we are required to dispatch only qualified men. A man who doesn't have five years experience is not qualified. That is his position solely.

380 MR. ROSEMERE: The question that becomes, Your Honor, five years experience as what?

JUDGE NACHMAN: Well, what difference does it make, as to what as far as this case is concerned. Maybe they are granting membership to people and maybe they are denying membership to people improperly, but that is not an issue in this case, is it?

MR. ROSEMERE: I didn't view it as the issue myself, but it seems to me that counsel has viewed it as the issue.

JUDGE NACHMAN: If you don't view it as an issue, I would not pursue it.

I will sustain the objection.

Q. (By Mr. Rosemere) Do you know for a fact, Mr. Quinn, whether all of the members of Local 305 have licenses? A. I can't say that they all do after the 93. Prior to the 93 it would be a fair estimate on my judgment or my personal knowledge that 98 per cent do have licenses, state licenses.

Q. How did you acquire that personal knowledge? A. By personal interviews with the people, I know most of them and I know

every one in the Norwich Local of the 130 up there of the journeymen with apprentices mixed in --

Q. Excuse me, Mr. Quinn, we are not talking about the Norwich Local, I am talking about this local? A. I --

381 MR. ZOLOT: Excuse me, the Norwich Local has been merged into --

THE WITNESS: I know that 100 per cent had some type of state license, all our journeymen did, whether it was a G8 license for welding requirements or an S2 for steamfitting and limited steamfitting license or a PL--P2, which is an unlimited plumbing license.

JUDGE NACHMAN: You are talking about people up in Norwich as 100 per cent?

THE WITNESS: Yes, sir.

I know it has been my personal knowledge that it has been a requirement for membership into 305 that they have a state license before they are subjected to the local examination. So taking that into effect, I would say most of them have, excluding the 93. Which are still mystery men to men.

Q. (By Mr. Rosemere) Well, when you came into the consolidated local sometime in January of this year, I take it you didn't undertake to interview the people to whom you had not previously known? A. No, but I have found a document in the offices of a resolution that had been passed, I believe in 1967 -- 1965, I believe when the state licenses first came into effect, a resolution had been passed by Local 305 and read at three meetings and adopted into the permanent bylaws of 305 that it is a requirement to have a

382 state license for all applicants for journeymen.

Q. That is what you base your conclusion on? A. Yes, that is what I base my knowledge --

JUDGE NACHMAN: If a man gets a license from a state, does that signify that he has the requisite experience that you require?

THE WITNESS: No, it doesn't, Your Honor, it is just helpful that he got through one phase of it, but we subject him to a much stiffer examination, because pipe welding requirements are most stringent than if he was welding on structured steel.

JUDGE NACHMAN: All right.

Go ahead, Mr. Rosemere.

Q. (By Mr. Rosemere) Are there days when you and Mr. Impelliteri alternate on attendance at the office? A. This was a policy early in the spring, but the duties got so great we abandoned that. We just abandoned it voluntarily. I was showing up most every day.

Q. When did you abandon that practice? A. I would say we abandoned it sometime in the summer. There were days that I would go directly out -- you see, the gas distribution covers the full state. Some days I would leave right directly from my home and travel to Danbury or Bridgeport or areas like that, rather than stop by the office.

Q. I think there was some testimony on your direct examination as to your familiarity with Mr. DiMella and Mr. Bartolucci

383 and their qualifications. Are you familiar with their qualifications from personal observation and experience? A. No.

No, I learn more about Mr. DiMella and Mr. Bartolucci through this hearing than I ever knew before.

MR. ROSEMERE: Could you give me just a couple of moments?

JUDGE NACHMAN: All right.

Q. (By Mr. Rosemere) There was some talk I believe about your knowledge, are you personally acquainted with all the men,

these names that appear on GC 4 and the qualifications? A. I was at the time they were put down there or instructed by Impelliteri to put down. He said this fellow -- we may get a call and a man -- we might need him, so put his name down. Some of these people I know have a familiar -- they may have been transfers -- they may have come in and showed a state license or a union book or any type of documentation showing that they had so many years in the trade. Now, I don't know who they are because they are gone.

Q. How would you have gained knowledge of the qualifications of any of these men? A. Many of them come in and we say, what is your qualifications and he would say I am a welder, do you have identification papers. Are you a heli-arc welder, what are you certified at and are you a plumber? Yes. Have you got a state license?

384 No. Can you tell us where you worked previous? Have you got any documentation of contractors you may have worked for?

Sometimes we even ask to see their union book, which was not a requirement, but it was a way of ascertaining whether we saw that they had been initiated into Local 476 in Providence, Rhode Island in 1928 and that a continuous book as a steamfitter; naturally we took that as -- that they were a qualified man.

* * * * *

385 Q. Now, you were directed to the meeting, I believe, to the union meeting on August 21, do you recall? A. I was present at that meeting.

Q. And it was at that meeting that DiMella's name came up and Bartolucci's name came up, is that -- A. Their application came up.

Q. I see.

And who raised the question as to what --

386 JUDGE NACHMAN: What question?

Q. (By Mr. Rosemere) The question at the meeting about DiMella and Bartolucci? A. The application was followed the normal procedure.

Q. Excuse me, Mr. Quinn, just so we start off right, you do recall that the name DiMella and Bartolucci were raised at the meeting? A. I am telling you how it is raised counsel.

Q. Thank you, that is what I want to know. A. The application was presented, their name was read off the application by the recording secretary.

Q. I see. A. And one of the members, as I previously stated for the record, gut up and said, I move that we turn those over to the business manager, he did such a -- sarcastically he said this -- he did such a damn good job with the other 93. And the president, Paul White would not entertain that motion. He said that he will not entertain that type of a motion and then there was discussion whether he should or whether he shouldn't and the thing got lost in the shuffle.

Q. Did he explain why he didnot want to entertain a motion? A. It wasn't normal procedure to turn over applications to the business manager in the local union. It was normal course of action, would be turn these over to the executive board, who would interview

387 personally interview these people and check on their moral character at the police station, et cetera, their work experience and so forth. And then come back and report --

Q. That may be so, Mr. Quinn, but the question is did he explain why he did not want to entertain the motion? A. Hc said -- yes, that this is not the normal course of business in this local union in the past. We would be setting a precedent with these two applications if we took it -- this is --

Q. He explained this to the members? A. Yes.

* * * * *

GENERAL COUNSEL'S EXHIBIT NO. 1(a)

FORM NLRB-508 (12-65)

Form Approved
Budget Bureau No. 64-R003.12

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

INSTRUCTIONS: File an original and 3 copies of this charge and an additional copy for each organization, each local and each individual named in item 1 with the NLRB regional director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case No. 1-CB-2385

Date Filed August 7, 1973

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name: UNITED ASSOCIATION STEAMFITTERS & PLUMBERS LOCAL # 305

b. Union Representative to Contact: Anthony Impellitteri

c. Phone No.: 442-4852

d. Address (Street, city, State and ZIP code): 597 Board St., New London, Conn. 06320

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) (List Subsections) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (Be specific as to facts, names, addresses, plants involved, dates, places, etc.)

1. The B A (Mr. Impellitteri) of Local #305 Has denied me of employment since Jan. 5, 1973 to April 25, 1973 and again from June 29 to date. I was told they have work for union men only.

2. My application for membership into Local #305 was denied by the (BA), Mr. Impellitteri for no given reason.

3. All the time I have been to the union hall, I have never seen or was told to sign a referal list for work.

4. Mr. Impellitteri has threatened me on two occasions. The first time was when I gave him my applation, he told me "If nothing becomes of this don't go to the law like the welders did."

5. I have written to the U.A. headquarters in Washington about seeking imployment and as of this date have had no respond. I wrote my letter of protest July 2, 1973.

3. Name of Employer

4. Location of Plant Involved (Street, city, State and ZIP code)

5. Type of Establishment (Factory, mine, wholesaler, etc.)

6. Identify Principal Product or Service

7. No. of Workers Employed

8. Full Name of Party Filing Charge: Anthony DiMella

9. Address of Party Filing Charge (Street, city, State and ZIP code): 141 Hickory Drive, Ledyard, Conn 06339

10. Telephone No.: 464 2865

11. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By /s/ Anthony DiMella (Signature of representative or person making charge) _____ (Title or office, if any)

Address 141 Hickory Dr. Conn. 464-2865 (Telephone number) Aug. 5, 1973 (Date)

WILLFULLY FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

GPO 865-496

GENERAL COUNSEL'S EXHIBIT NO. 1(c)

FORM NLRB-508
(12-65)

Form Approved
Budget Bureau No. 64-R003.12

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

INSTRUCTIONS: File an original and 3 copies of this charge and an additional copy for each organization, each local and each individual named in item 1 with the NLRB regional director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case No. 1-CB-2389

Date Filed August 13, 1973

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name: STEAMFITTERS & PLUMBERS LOCAL # 305

b. Union Representative to Contact: A. Impellitteri

c. Phone No.: 442-4852

d. Address (Street, city, State and ZIP code): 597 Broad St. New London, Conn. 06320

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1) (A) (List Subsections) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (Be specific as to facts, names, addresses, plants involved, dates, places, etc.)

1. Unable to work from Jan. 5, 1973 to present 8-9-73

2. No roster made available to sign when unemployed.

3. Have filed application to join union. Supposed to be read on Aug. 21, 1973.

4. Have been advised no to go to N.L.R.B.

3. Name of Employer

4. Location of Plant Involved (Street, city, State and ZIP code)

5. Type of Establishment (Factory, mine, wholesaler, etc.)

6. Identify Principal Product or Service

7. No. of Workers Employed

8. Full Name of Party Filing Charge: Victor J. Bartolucci

9. Address of Party Filing Charge (Street, city, State and ZIP code): 46 MacKenzie Rd. Waterford, Conn. 06385

10. Telephone No.: 442-4970

11. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By: s/ Victor J. Bartolucci (Signature of representative or person making charge) _____ (Title or office, if any)

Address: 46 MacKenzie Rd. 442-4970 (Telephone number) 8-9-73 (Date)

WILLFULLY FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

GPO 865-496

GENERAL COUNSEL'S EXHIBIT NO. 3

EXCERPTS FROM THE

AGREEMENT

MECHANICAL CONTRACTORS ASSOCIATION
OF CONNECTICUT, INC.

(acting through its agent)

EASTERN CONNECTICUT MECHANICAL
CONTRACTORS ASSOCIATION

AND

LOCAL 305 OF THE UNITED ASSOCIATION OF JOURNEYMEN
AND APPRENTICES OF THE PLUMBING AND PIPEFITTING
INDUSTRY OF THE UNITED STATES AND CANADA

October 28, 1972 - October 27, 1973

* * * * *

ARTICLE XVI

Hiring of Men

1. Qualified Craftsmen. Contractors shall only employ qualified journeymen Plumbers and Steamfitters. Journeymen Plumbers and Steamfitters shall be qualified for employment who had at least five (5) years' actual practical working experience at the Plumbing or Heating trade as a journeyman or apprentice in the building and construction industry and who either:

(a) Have successfully served an apprenticeship at the trade under an apprenticeship program approved by the United States Bureau of Apprenticeship Training or State Division of Apprenticeship Standards.

(b) Have had previous employment as a journeyman with a contractor signatory to this agreement and whose services have proved satisfactory, or

(c) Have successfully passed any competency examination that adequately tested the degree of skill and training necessary to be a competent journeyman. Any question as to what constituted a "competency," examination shall be resolved by the Joint Hiring Committee hereinafter established under this Agreement.

2. Hiring. Contractors shall call the union for qualified journeymen. Whenever a contractor decides to obtain journeymen from the Union on any job, he shall notify the Local Union Office, either in writing or by telephone, stating the location, starting time, approximate duration of the job, the type of work to be performed and the number of workmen required.

(a) Accordingly, all employees shall as a condition of employment pay to the Union, the employee's collective bargaining

representative, an amount equal to the amount of money paid to the Union paid by other employees in the bargaining unit who are members of the Union, which shall be limited to an amount of money equal to the Union's regular and usual initiation fee, and its regular and usual dues and its general and uniform assessments. For existing employees, such payments shall commence seven (7) days following the execution of this Agreement and for new employees the payment shall start seven (7) days following the date of employment.

3. Registration. The Union shall establish and maintain an appropriate registration facility for qualified applicants available for employment as journeymen. Applicants shall be registered on the appropriate craft out-of-work list, i.e., either journeyman, etc., in the order of time and date of registration. Each applicant for employment shall be required to furnish such data, applicant shall complete such form of registration as shall be submitted to him. Applicants for employment shall also list any special skills that they possess.

An applicant who has had five (5) years' actual practical experience at the Heating or Plumbing trade but who has not passed any competency examination as to his skill or competency shall be accepted for registration and dispatching and may work until he fails to pass an examination given by the Joint Hiring Committee.

4. Referral of Men. Upon the request of a contractor for journeymen, the Union shall immediately refer competent and qualified registrants to that contractor in sufficient number required by the contractor, in the manner and under the conditions specified in this Agreement, from the separate appropriate out-of-work list on a first in, first out basis, that is, the first man registered shall be the first man referred, except that:

(a) Requests by contractors for key men to act as supervisors, general foreman or foreman shall be honored without regard to the requested man's place on the out-of-work list.

(b) Requests by the contractors for particular journeymen shall be given preference of hire and shall be dispatched to that contractor, regardless of the applicant's position on the out-of-work list.

(c) Bona fide requests by contractors for journeymen with special skills and abilities will be honored. The dispatch persons possessing such skills and abilities in the order in which their names appear on the out-of-work list. Such a decision of the dispatching agent in referring registrants is appealable to the Joint Hiring Committee as hereinafter provided.

[A journeyman will not work for anyone but a licensed master plumber or fitter, and shall not engage in any plumbing or fitting business for himself at anytime.]

5. Non-Discriminatory Referral. The Union and the contractors agree that the referral of journeymen shall be on the following basis:

(a) Selection of applicants for referral jobs shall be on a non-discriminatory basis, and shall not be based on, or in any way affected by, union membership, by-laws, regulations, constitutional provisions, or any other aspect or obligation of union membership, policies or requirements.

(b) The Employer retains the right to reject any job applicant referred by the Union.

(c) The Union and the Contractor shall post in places where notices to all employees and applicants for employment are customarily posted all provisions relating to the functioning of the hiring provisions of this Agreement.

6. Joint Hiring Committee. The parties to this Agreement shall create a Joint Hiring Committee, composed of an equal number of contractor and union representatives, to supervise and control the operation of the job referral system herein. The Joint Hiring Committee is empowered.

(a) To establish any and all rules and regulations, from time to time that it deems advisable for the operation of the job referral plan.

(b) Properly post the rules and regulations, together with the provision of the Agreement as set out in Section 5, at the union dispatch office, at the contractor's office and at the job site.

(c) To hear and determine any and all disputes or grievances arising out of the operation of the job referral system including, but not limited to, grievances arising out of work registration, work referrals and the preparation of the referral registration lists. Any applicant or registrant shall have a right of appeal of any dispute or grievance arising out and relating to the operation of functioning of the job referral plan to the Joint Hiring Committee.

(d) To conduct written examinations for qualifying journeymen in accordance with the provisions of this Agreement. All examinations given by the Joint Hiring Committee shall be fair, impartial and in keeping with the present standards of competency and skill possessed by journeymen in the industry.

The Joint Hiring Committee shall provide in the rules and regulations for the job referral an appeal to an impartial umpire whenever the Joint Hiring Committee reaches a deadlock over a dispute concerning a refusal to register an applicant by proper registration or dispatching of any applicant. The umpire shall be designated by mutual consent of the parties. The authority of the impartial umpire

shall be limited to interpreting and applying the rules and regulations of the Joint Hiring Committee. The decision of the Joint Hiring Committee, or the impartial umpire shall be final, binding and conclusive on all parties, including applicants.

If any question arises as to the qualifications and competency of an applicant, the Joint Hiring Committee shall make the determination. Such determination shall be fair and impartial, without regard to applicant's membership or non-membership in the Union.

[7. In the event that any Employer who is a party hereto shall withdraw from the Association, notice thereof shall be given by the Association in writing to the Union within thirty (30) days.

An "Affiliated operation and/or entity" shall be deemed covered by this Agreement where such operation and/or entity is commonly owned or controlled and there is an interchange of employees subject to and governed by the terms of this Agreement.

The parties will not participate in any plan, scheme or device which circumvents, avoids, or evades the provisions of this Agreement.

In the event any party to this Agreement claims that any Employer bound hereby is circumventing, avoiding, or evading the provisions of this Agreement, such claim must be reduced to writing and processed
in this Agreement.

The Employer agrees not to enter into any agreement or contract with his employees, individually or collectively, nor negotiate or bargain with them, unless it is through the duly authorized representatives of the Local Union. There shall be no individual agreements with employees covered by this Agreement and any such agreements or contracts shall be null and void.]

* * * * *

GENERAL COUNSEL'S EXHIBIT NO. 4

GC-4

Date Came In	Name	Phone	Type of Work	Office Use
12-22-72	[illegible]		Welding	✓
12-22-72	A. Blanchette		Plumbing	
12-22-72	[illegible]		Plumbing	
12-[illegible]	[illegible]		Welder	
1-3-73	C. Kelly		Plumber	
1-3-73	J. [illegible]		P.F.W	✓
1-4-73	T. Iraphagen		Welder	Deceased
1-5-73	G. Kent		Plumber	
1-5-73	Frank QUINN	859 1328	Plumber	
1-5-73	R.O. Wadsworth		Plumber	
1-9-73	A. Ahmberg		Steamfitter	
1-9-73	L. Stevens		S.F.	
1-10-73	O. albinus		Plumber	
1-10-73	P. QUINN	859 1449	Plumber	
1-15-73	[illegible]	535 1163	welder	
1-15-73	[illegible]	443-5085	Welder	
1-18-73	Kroll	445-2881	welder	
1-19-73	*Wayne Smith	739-8145	Welder	
1-19-73	R. Farretta	848-9117	S.F.	✓
2-2-73	R. McCormick		Plumb.	
2-2-73	R. Brooks	445-4178	welder	✓
2-2-73	E. Belyea	446 0775	welder	✓
2-5-73	J. Bellivea	887 1127	Welder	
	J. Lapsker	376-1679	Plumb	

GC 4 for ID

Date Came In	Name	Phone	Type of Work	Office Use
2-13-73	Charles Young	3275061	S.F.	
	~~V. Blachinsky~~	~~7392619~~	~~S F~~	
2-16-73	Jesse Astings	401 433-0794	Plumb.	
2-16-73	J Kearns	141 Union St Bristol conn	Welder	
3-2-73	m. Young	536-8569	L 286 Welder	10 Farmstead Ave Mystic
3-2-73	R. Pettee	207-2363157	Welder Local 217	
3-2-73	F. Johnson	207-2363157	~~Welder~~ Fitter	
3-22-73	R TAYlor	8892046	Fitter	
3-23-73	W Burke	914 526-2655	welder	
3-28-73	P. McKay	207-799-8610	welder	
3-28-73	~~L. Taylor~~	~~848-0622~~	~~welder~~	
4-4-73	C. Hansen	4461558	Plumber	
4-4-73	L Francoeur	203 236-7622	Fitter 220	
4-4-73	m. m. guay	203 236-7622	fitter	
4-11-73	D. O'Leary	5351717	welder	
4-13-73	L. McWilliams	401 766-7576	Welder	
4-13-73	F. Larrabee	401 766-7576	Fitter	
4-13-73	S Williams	445-1526	Welder	
4-13-73	S Tucker	4439453	Welder	
4-16-73	A Gaudreau	8228756	welder	
4-16-73	R Ricard	3769834	welder	
4-16-73	Y. Ricard	5643860	Welder	
5-1-73	M Cartier 41A	401 9449371	welder	
5-1-73	C Rory	603 893 4380	welder	

Date Came In	Name	Phone	Type of Work	Office Use
4/12/73	Wm Neff	443-4402	Plumber	
4/23/73	D. Bayges	442-0488	welder	✓
"	John Bolton	442-1122	Welder	
April 30	Ed CYR	887-7055	Welder	
"	Phil Gautreaux	886-1551	Welder	
MAY 1	Joe Barbarito	443-6597	Plumber	✓
may 3	Maynee Osborne	914 564-4863	Welder	
MAY 4	Dave Kelly	942-5183	Fitter	
"	Roger Troth	942-5183 L-455	Welder S/S	
May 5	Joseph Richards 115 Rope Ferry Rd Waterford	447-7547	B. Book Helper?	
May 4	Ken WALZ	4470924	Instr. Man L20	
May 14	Jack Westcott	535-2144	Welder	
May 14	Tango Nii	447-9918	Welder Helper	
	Albert Dufrene 201	725-2229	Welder L-775	
June 19	Joseph Micelli	442-7887	Welder	
June 25	Mike mannix	401 789-0451	Fitter L-773	
June 29	Vincent Steeves		Fitter L-256	✓
June 25	L. L Berry	859 9144	L-30 Welder	
~~Aug 6~~	~~Vic BARTOLUCCI~~	~~442-4970~~	~~FITTER~~	
~~June 6~~	~~Dapple~~	~~469-2865~~	~~FITTER~~	
Aug 8	Ed Lemire	885-0727	Plumber	
Aug 8	Dave Piascik	885-7484	Plumber	
Aug 6	A Hulsebosch	Ivoryton	f	✓
Aug 17	Frank Parker	150 Mitchell St Groton 445-5503	Fitter Rigger	

Date Came In	Name	Phone	Type of Work	Office Use
[illegible]	Jim LAGROTTERIA	NIANTIC 739-5385	P & F	✓
10-31-73	ED O'KEEFE	PAWCATUCK 599-4815	WELDING STRUC & PIPE	
12-3-73	Ronald D. Taylor	Norwich 887-2046	P & F+S	
12-3-73	Jim LAGROTTERIA	NIANTIC 739-5385	P & F	

GENERAL COUNSEL'S EXHIBIT NO. 5

NATIONAL LABOR RELATIONS BO
1-CB-2335-2359
UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPE FITTING INDUSTRY OF THE UNITED STATES & CANADA
Disposition
Identified
Received
Rejected
In the matter of LOCAL UNION NO. 305
Date 12-3-73 Witness Reporter PFR
Pages 4

AUGUST 24, 1973

General Officers' Washington Report



COMMENT FROM THE GENERAL PRESIDENT

APPRENTICE CONTEST TERMINATED; INSTRUCTOR TRAINING TO BE STRESSED

The twentieth anniversary of the UA program at Purdue is an important landmark for the United Association. I feel it is an appropriate time to take an overall look at the aims and objectives of our training efforts and to see how close we have come to achieving them.

I have been closely associated with the UA training efforts from the years when only the large local unions had apprentice schools. Twenty years ago, when General President Durkin appointed me a member of the National Steamfitting-Pipefitting Joint Apprentice Committee, I helped to develop training materials and to encourage the establishment of more local apprentice programs. When he initiated the International Apprentice Contest and Instructor Training Program to create interest in apprentice training, our committee assisted in the project.

In the early days we had very few instructors to provide classes for. There just weren't that many local unions with established training programs.

Later when General President Schoemann set up the International Training Fund through negotiations with the NCA, the situation began to improve. More and more schools were established, our in-instructors' program and the contest expanded, and we began the process of building the fine training network we enjoy today.

I have been at all 20 UA summer programs as a committee member, an instructor, and General Officer. Therefore I have seen at first hand the

GC 5

achievements, and I am very proud to have played a part in them.

In particular, I believe that the International Apprentice Contest has been very successful in reaching the goal we set for it 20 years ago.

Almost every UA local union has a training program because of the interest stimulated by the contest.

Therefore, during the past year I have given a great deal of thought and held many discussions concerning whether we should continue to use the same format for our summer program or whether we should set new goals.

As a result of this long reflection, I have concluded that the UA's training efforts can best be advanced by discontinuing the International Apprentice Contest after this year. Therefore, I have eliminated the contest as a feature of future weeks at Purdue.

This does not mean that we are going to put less emphasis on training. On the contrary we intend to emphasize MORE in our training program. We will, however, change the orientation and objectives of our educational efforts.

We will develop more and better instructional material. And we will concentrate more heavily on the instructor training phase of our summer program.

We are considering a number of options to strengthen our instructor training endeavors. The money we will save by discontinuing the contest will help us achieve our objectives.

Some of the options we have discussed to improve the quality of our instructor training include extending the week at Purdue to two weeks or adding regional training programs.

Extending the week at Purdue to two weeks would allow us to deepen and broaden the content of the training that would be available. It would also enable us to train additional instructors more quickly as the demand for UA craftsmen accelerates.

Combining the week at Purdue with regional instructor training programs would permit us to concentrate in depth on problems that are specific to a given area as well as to increase the variety of the UA educational offerings.

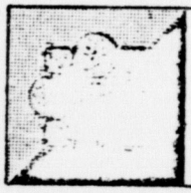
Whatever our final decision, it will result in a program that will enable the UA to give the best possible training to <u>all</u> apprentices in a program so that they can do a job for our union employers and their

clients. The end product of the training program can no longer be to train winners for the International Contest.

The United Association is faced with many problems of manpower development including the training of welders, the problem of training apprentices on industrial jobs, the problem of providing for vastly expanded manpower requirements to meet the future heavy demand for skilled pipe tradesmen.

Our training programs must provide practical answers to these practical problems. And instructor training is the key to the success of our training efforts.

In esence, therefore, I have decided to discontinue the apprentice contest so that we can all concentrate on the one contest that I am determined to win. And that is the contest between the United Association and non-union competition.



NEWS FROM THE UA

MANPOWER NEEDS

CALIFORNIA
San Jose (95111) Local 393
Plumbers
Robert J. Duffey, B.M.
370 Umbarger Road
(408) 225-3030

COLORADO
Denver (80223) Local 3
Plumbers
Ray L. Pfeifer, B.M.
360 Acoma Street, Room 210
(303) 722-2333

Pueblo (81003) Local 20
Plumbers, Steamfitters,
Pipefitters, Welders
Harold G. Taylor, B.A.
215 South Victoria
(303) 543-3862

CONNECTICUT
New London (06320) Local 305
Steamfitters, Pipefitters,
Welders (heliarc)
Anthony Impelletteri, B. M.
597 Broad Street
(203) 442-4852

DISTRICT OF COLUMBIA
Washington (20002) Local 602
Pipefitters and Welders
M. E. Moore, B. M.
809 Maryland Avenue, N. E.
(202) 544-6100

FLORIDA
Jacksonville (32205) Local 234
Fitters and Welders
Carl R. Gardner, B. M.
5411 Cassidy Road
(904) 786-0941

FLORIDA
St. Petersburg (33712) Local 111
Welders
George A. Willy, B.A.
1827 First Avenue, South
(813) 862-6131

W. Palm Beach (33405) Local 630
Plumbers
Jack N. Stevens, B.M.
937 Belvedere Road
(305) 832-1877

GEORGIA
Brunswick (31520) Local 177
Fitters, Welders for Georgia
Nuclear Power Plant
George W. Owens, Jr., B.M.
P. O. Box 246
(912) 265-1890

Macon (31204) Local 472
Welders
Toby H. Gladney, B.A.
P. O. Box 2565
(912) 745-3438

KENTUCKY
Louisville (40215) Local 522
Welders
Joseph B. Warren, B.M.
1315 Berry Boulevard
(502) 361-8492

MASSACHUSETTS
Boston (02136) Local 829
Plumbers
Donald P. Howe, F. S.
87 Maple Street, Hyde Park
(617) 364-2369

MICHIGAN
Monroe (48161) Local 671
Fitters and Welders
Michael W. Payment, B.A.
16 West Front Street
(313) 242-5711

MINNESOTA
Ronald Patnode
Local 417, Minneapolis

Traverse City (49684) Local 639
Welders
Dale Fitzhugh, B.M.
620 Second Street
(616) 946-5582

NEW JERSEY
East Orange (07017) Local 475
Steamfitters, Pipefitters,
Welders
Thomas J. Byrne, B.M.
520 William Street
(201) 674-4212

Patterson (07502) Local 49
Plumbers, Fitters, Welders
Bruno Fierro, B. M.
555 Preakness Avenue
(201) 742-5827

NORTH CAROLINA
Greensboro (27406) Local 640
Welders
B. F. Faulkner, B.A.
325 "JJ" Drive, Room 204
(919) 273-1965

OKLAHOMA
Tulsa (74145) Local 205
Pipefitters and Welders
Darrell B. Matlock, B.M.
6558 East 40th Street
(918) 622-4243

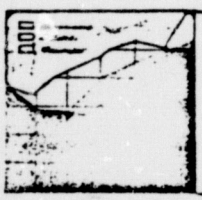
VIRGINIA
Richmond (23220) Local 10
Welders, Pipefitters, Plumbers
David Atkinson, B.A.
801 West Broad Street
(804) 358-9343

WASHINGTON
Everett (98201) Local 265
Steamfitters, Pipefitters, Welders
William McClure, B.A.
2812 Lombard
(206) 252-3262

BRITISH COLUMBIA, CANADA
Gary O. Evans
Local 170, Vancouver

WASHINGTON (continued)
Tacoma (98421) Local 82
Welders
Howard E. McCall, B. M.
324 East 26th Street
(206) 627-0191

WYOMING
Cheyenne (82001) Local 192
Welders, Pipefitters
Fay E. Tomlin, B. M.
P. O. Box 3203
(307) 634-1047



LABOR AND THE ECONOMY

WHEAT PRICES SOAR

For months spokesmen for the Administration have been trying to soothe the ruffled consumer with predictions that record breaking food crops would bring down skyrocketing food prices.

In light of the Department of Agriculture's latest grain production report, however, this isn't likely to happen.

It isn't that there won't be a bumper crop of wheat, corn, and soybeans--it just won't be as bountiful as first reported. In addition, a good part of the crop is not scheduled to be used domestically.

Wheat production provides an excellent illustration:

The latest DOA estimate is that 1.7 billion bushels of wheat will be harvested in 1973. This is 32 million bushels less than estimated one month earlier.

Not only was the cutback in the estimate disappointing, but the disclosure that approximately one billion bushels are already committed to export produced outright alarm. Nearly 85 percent of the durum wheat crop will be sold abroad.

Richard E. Bell, Deputy Assistant Secretary of Agriculture for International Affairs and Commodity Programs, hedged on where the wheat is going. He said at a press conference in Washington that the unidentified export destinations listed by the Department of Commerce are too "speculative" to take seriously. However, he acknowledged that by July 20 all but 236 million bushels of wheat of the one billion scheduled for export had been delivered.

Meanwhile, wheat prices moved over $4-a-bushel for the first time in the 150-year history of the Chicago Board of Trade. In some

places the cash price for a 60-pound bushel went to $5.

Don Paarlberg, chief economist for the Department of Agriculture, said that the price surge in wheat "reflects a feeling that our available supplies for export out of the 1973 crop are nearly all committed."

An immediate impact of the grain picture is seen in the announcement of three nationwide bakers that they were adding from one to four cents to the price of each loaf of bread.

With wheat being used for many forms of bread and cereal products and with corn and soybeans important sources of livestock feed, prospects of holding down food prices are being further dimmed.

Bell adknowledged that the Department is studying export controls but Secretary of Agriculture Earl L. Butz later declared that there were no immediate plans to institute them. He restated his opposition to such controls in principle.

On other crops, Agriculture said that in the last month it had dropped its estimates on corn production by 220 million bushels to 5.6 billion, soybeans by 49 million down to 1.53 billion bushels.

HODGSON CITES LABOR'S ECONOMIC ROLE

Former Labor Secretary James D. Hodgson, in an address to a business conference held by the UCLA Graduate School of Management in Los Angeles, said that organized labor--together with business and government--has a key role in economic policy.

Now a senior vice president of Lockheed Aircraft, Hodgson dicted that at the public policy level unions will join hands increasingly with business to champion industrial stability and economic growth.

Indicative of that trend, he noted a number of areas where labor and management have worked together in recent years. They included:

* A better break for American products in foreign trade markets and protection from excessive foreign trade market penetration at home.

* Resistance to over-zealous environmentalists and consumerists who would close plants and sacrifice jobs.

* Support for advanced technology and government-funded research to create good jobs and insure improved markets.

* More action in the energy crisis to make sure the United States industrial system doesn't run out of the steam and petroleum it needs for sustenance and employment.

"Today unions are increasingly joining forces with industry and government in multiple ways-- o improve productivity, to operate wage and price controls, and too seek new avenues to industrial peace," the former Secretary said.

"And when wage and price controls finally disappear from the national scene, in all likelihood it will be because labor and industry have joined forces to insist on their demise."

TAX EXEMPTIONS FOR UNIONS UPHELD

Trade unions' tax exemptions have been left unimpaired in a major decision by the U.S. Court of Appeals in Washington.

The three-judge court for the District of Columbia circuit unanimously rejected an attempt by a "right-to-work" organization to force the Secretary of the Treasury and the Internal Revenue Service to deny established tax exemptions to unions.

The suit, financed by the National Right to Work Defense and Education Foundation in Washington, was brought in the name of several individual workers. They sought an injunction to prevent the Treasury Department from according tax exemption status to any union spending tax-free dues for partisan political purposes.

The judges agreed that the rights of dissenting dues payers must be protected by the courts, but the Supreme Court has limited the remedies to restitution and injunction against specific activities.

The court held that "the pertinent Supreme Court precedents which show that plaintiffs' constitutional challenges lack any substantial foundation, established that the district court was correct in dismissing this action without prejudice."

Although the suit was ostensibly filed against George P. Shultz, Treasury Secretary, and the IRS, it was actively defended by the United Auto Workers and the International Association of Machinists.



HEALTH AND SAFETY NEWS

MEDICAL [illegible]L VETO REJECTED

A Federal District Court has rulled unconstitutional President Nixon's "pocket veto" of a $255-million medical-education bill.

The President's action had been challenged by Senator Edward

M. Kennedy (D-Mass.), who sponsored the bill and personally argued the case before the Federal court last February.

The ruling by District Judge Joseph C. Waddy was on the question of whether the President has the right to pocket veto--refuse to sign--a bill during a short congressional recess. Senator Kennedy argued that the President deprived Congress of a chance to override the veto.

Judge Waddy ruled that the veto was invalid in accordance with a clause in the Constitution which states that a bill becomes law if the President does not return it to Congress within ten days after it is presented "unless the Congress by their adjournment prevent its return, in which case it shall not be a law." Judge Waddy said that "the short recess of the Senate" did not prevent the bill's return for consideration.

A pocket veto has generally been used by Presidents to kill legislation after Congress has adjourned.

Judge Waddy's action has the effect of ordering the bill into law. Senator Kennedy has said that he will seek to have the measure fully funded in the next Senate Appropriation bill.

The Senator also commented on the court decision, saying, "I am delighted with Judge Waddy's ruling, and I see it as a strong new example of the vindication of the rights of Congress against the encroachment of the executive branch.

The government is expected to appeal Judge Waddy's decision.

OSHA CONCERNED OVER INJURY RATE

Twenty-three out of every 100 construction workers suffer from job-related illness or injuries, John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, told the Washington State Building and Construction Trades Council.

Commenting on "the tough odds you face when you are a construction worker," he said that this is the highest injury and accident rate of any industry.

Stender, a former vice president of the Boilermakers, said OSHA has embarked on a nationwide drive to reduce these statistics, particularly those caused by cave-ins in construction trenches and excavations.

Revised standards requiring rollover protective structures for most construction and off-highway vehicles have been adopted by OSHA, Stender said.

GENERAL COUNSEL'S EXHIBIT NO. 6

UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND PIPE FITTING INDUSTRY of the United States
and Canada

United Association Building, 901 Massachusetts Ave., N. W.
Washington, D. C. 20001 Phone (202) 628-5823

May 7, 1973

Mr. Anthony Impellitteri, Business Manager
Local Union 305
597 Broad St.
New London, Conn. 06320

Dear Sir and Brother:

Recently I have received a series of letters from applicants and other workers employed on various projects within the territorial jurisdiction of Local 305. You are hereby instructed to take the necessary steps to make membership available to these workers during the next sixty days from receipt of this letter, or other means will be employed to accomplish the same end results.

I trust this notice will prove sufficient. With best wishes,

Fraternally yours,

/s/ Anthony J. Smith
Anthony J. Smith
International Representative

ajs/s

GENERAL COUNSEL'S EXHIBIT NO. 7

UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND PIPE FITTING INDUSTRY of the United States
and Canada

United Association Building, 901 Massachusetts Ave., N. W.,
Washington, D. C. 20001 Phone (202) 628-5823

July 13, 1973

Mr. Anthony Impelletteri
Business Manager, Local Union #305
597 Broad St.
New London, Conn. 06320

Dear Sir and Brother:

As provided in my letter to you as of May 7, 1973, in view of the fact that this matter has not been accomplished in the time frame allotted, you are hereby instructed to make available to all non-members with five or more years of experience, an application card. When this is accomplished, I will attend a special meeting of these applicants for the purpose of obligation.

Fraternally yours,

/s/ Anthony J. Smith
Anthony J. Smith
International Representative

ajs/s

United States Court of Appeals

FOR THE SECOND CIRCUIT

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

No. 74-2176

LOCAL UNION NO. 305, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have served by hand (by mail) two copies of the APPENDIX in the above-entitled case, on the following counsel of record, this 1 day of April 197_.

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